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Agencies in this issue—

Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Federal Aviation Administration
Federal Communications Commission
Federal Crop Insurance Corporation
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Food and Drug Administration
Forest Service
Interagency Textile Administrative
Committee
Interstate Commerce Commission
Land Management Bureau
National Labor Relations Board
Post Office Department
Securities and Exchange Commission
Small Business Administration
Veterans Administration

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Volume 80

UNITED STATES STATUTES AT LARGE

89th Congress, 2d Session
1966

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Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8733]

PART 13—PROHIBITED TRADE PRACTICES

National Housewares, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services*; § 13.1663 *Individual's special selection or situation*; § 13.1705 *Prize contests*; § 13.1757 *Surveys*; Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, National Housewares, Inc., et al., Salt Lake City, Utah, Docket 8733, Feb. 12, 1968]

In the Matter of National Housewares, Inc., a Corporation, and Easy Pipella, Keith Bigler, David Bigler, Michael Pipella, and Edward Gilson, Individually and as Officers of Said Corporation

Consent order requiring a Salt Lake City, Utah, distributor of appliances and other merchandise to cease representing falsely that it conducts surveys and contests, that its prospective customers will receive prizes or free merchandise, that its customers are especially selected, and that the prices of its products are special or reduced.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents National Housewares, Inc., a corporation, and its officers, and Easy Pipella, Keith Bigler, David Bigler, Michael Pipella, and Edward Gilson, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of household appliances, books, tools, or any other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, or furnishing any dealer, distributor, retailer, franchisee, licensee, agent, employee, or others with any means, instrumentalities, directions, or instructions which, directly or by implication, represent the things herein-

after set forth or by and through which such person may mislead or deceive the public, in the manner or as to any of the things hereinafter set forth:

1. That they are conducting a survey, drawing or contest in connection with the sale of merchandise.

2. That prospective customers' names will be entered in a drawing or contest held in connection with a survey.

3. That prospective customers have won prizes or "free" merchandise: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such customers have in fact won prizes or free merchandise in a bona fide contest or drawing.

4. That prospective purchasers of any merchandise sold by respondents or their dealers are especially selected.

5. That any offer or price constitutes an introductory offer or price; or representing that any price is a special or reduced price: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for the respondents to establish that such price constitutes a significant reduction from the price at which such merchandise has been sold in substantial quantities or offered for sale in good faith for a reasonably substantial period of time, by respondents in the recent, regular course of their business.

6. That customers making initial purchases from respondents or their dealers or others will thereafter be able to buy merchandise from respondents or such dealers or others at a 50 percent discount or at any other substantial discount from respondents' dealers' or others' regular prices.

7. That any item of merchandise which is sold or offered for sale in conjunction or combination with other merchandise is a gift or without extra cost or is free.

B. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise or misrepresenting in any manner the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

C.1. Using the word "value" or any word or words of similar import to refer to any amount which is appreciably in excess of the highest price at which substantial sales of such merchandise have been made in the recent regular course of business in the trade area where such representations are made; or otherwise misrepresenting the price at which such merchandise has been sold in the trade area where such representations are made.

2. Furnishing any dealer, distributor, retailer, franchisee, licensee, agent, employee, or others with any means, instru-

mentalities, directions or instructions whereby the public may be misled or deceived as to any of the matters or things prohibited by paragraph C.1. of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 12, 1968.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-2678; Filed, Mar. 4, 1968; 8:46 a.m.]

[Docket No. 8734]

PART 13—PROHIBITED TRADE PRACTICES

New Century Enterprises, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services*; § 13.1663 *Individual's special selection or situation*; § 13.1705 *Prize contests*; § 13.1757 *Surveys*; Misrepresenting oneself and goods—Prices: § 13.1800 *Demonstration reductions*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, New Century Enterprises, Inc., et al., Salt Lake City, Utah, Docket 8734, Feb. 12, 1968]

In the Matter of New Century Enterprises, Inc., a Corporation, Formerly Known as Northwest Housewares, Inc., and David Bigler and Keith Bigler, Individually and as Officers of Said Corporation

Consent order requiring a Salt Lake City, Utah, distributor of appliances and other merchandise to cease representing falsely that it conducts surveys and contests, that its prospective customers will receive prizes or free merchandise, that its customers are especially selected, and that the prices of its products are special or reduced.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents New Century Enterprises, Inc., formerly known as Northwest Housewares, Inc., a corporation, and its officers, and David Bigler and Keith Bigler, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with

the offering for sale, sale or distribution of household appliances, books, tools, or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication:

1. That they are conducting a survey, drawing or contest in connection with the sale of merchandise.

2. That prospective customers' names will be entered in a drawing or contest held in connection with a survey.

3. That prospective customers have won prizes or "free" merchandise: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that such customers have in fact won prizes or free merchandise in a bona fide contest or drawing.

4. That prospective purchasers of any merchandise sold by respondents are especially selected.

5. That any offer or price constitutes an introductory offer or price; or representing that any price is a special or reduced price: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for the respondents to establish that such price constitutes a significant reduction from the price at which such merchandise has been sold in substantial quantities or offered for sale in good faith for a reasonably substantial period of time, by respondents in the recent, regular course of their business.

6. That customers making initial purchases from respondents will thereafter be able to buy merchandise from respondents at a 50 percent discount or at any other substantial discount from respondents' regular prices.

7. That any item of merchandise which is sold or offered for sale in conjunction or combination with other merchandise is a gift or without extra cost or is free.

B. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise or misrepresenting in any manner the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

C. Using the word "value" or any word or words of similar import to refer to any amount which is appreciably in excess of the highest price at which substantial sales of such merchandise have been made in the recent regular course of business in the trade area where such representations are made; or otherwise misrepresenting the price at which such merchandise has been sold in the trade area where such representations are made.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and

form in which they have complied with this order.

Issued: February 12, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-2679; Filed, Mar. 4, 1968;
8:46 a.m.]

[Docket No. C-1298]

PART 13—PROHIBITED TRADE PRACTICES

Norjack, Inc., and Norman D. and George L. Glicksman

Subpart—Advertising falsely or misleadingly: § 13.140 *Old, reclaimed or reused product being new*. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1880 *Old, used, or reclaimed as unused or new*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Norjack, Inc., et al., Milwaukee, Wis., Docket C-1298, Feb. 15, 1968]

In the Matter of Norjack, Inc., a Corporation, and Norman D. Glicksman and George L. Glicksman, Individually and as Officers of Said Corporation

Consent order requiring a Milwaukee, Wis., distributor of automotive parts and automobile trailers, to cease failing to disclose that its products are made from old, used, and reconditioned parts and neglecting to disclose that some of its advertised products are not available for immediate shipment.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Norjack, Inc., a corporation, and its officers, and Norman D. Glicksman and George L. Glicksman, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of automotive parts, automobile trailers, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering for sale, selling, or distributing any used automotive part or any automotive part, automobile trailer or any other product containing a used component part or parts, unless a clear and conspicuous disclosure of such prior use is made on the product in a location most readily noticeable to the purchaser and with sufficient permanency to remain thereon until consummation of a consumer sale thereof, and in such manner that said disclosure cannot be easily

removed or obliterated; and unless a clear and conspicuous disclosure that said automotive part is a used part or contains a used component part or parts is printed or marked on the box, carton, wrapper, or other container in which said automotive part is sold or offered for sale.

2. Failing to disclose, clearly and conspicuously, in advertisements, other promotional matter and invoices that their products, which are constructed or assembled from rebuilt or reconditioned parts, are composed of used materials.

3. Advertising or otherwise offering any product for sale which is not available for immediate shipment and delivery without clearly and conspicuously revealing in connection with each such representation that there will be a delay in shipment and delivery and the approximate time of such delay.

4. Furnishing any means or instrumentality to others by and through which they may mislead or deceive the public as to any of the matters hereinabove prohibited.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: February 15, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-2680; Filed, Mar. 4, 1968;
8:46 a.m.]

[Docket No. C-1297]

PART 13—PROHIBITED TRADE PRACTICES

Charles S. Scott and Key Shop

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods*: 13.30-30 *Fur Products Labeling Act*; § 13.73 *Formal regulatory and statutory requirements*; § 13.155 *Prices*: 13.155-40 *Exaggerated as regular and customary*. Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-30 *Fur Products Labeling Act*; § 13.1280 *Price*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition*: 13.1845-30 *Fur Products Labeling Act*; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-35 *Fur Products Labeling Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Charles S. Scott, Houston, Tex., Docket C-1297, Feb. 12, 1968]

In the Matter of Charles S. Scott, an Individual Trading as The Key Shop

Consent order requiring a Houston, Tex., furrier to cease misbranding and falsely advertising its fur products and failing to maintain required records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Charles S. Scott, an individual trading as The Key Shop or any other name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication on a label, that any price whether accompanied or not by descriptive terminology is the respondent's former price of such fur product when such price is in excess of the price at which such fur product has been sold or offered for sale in good faith by the respondent in the recent regular course of business, or otherwise misrepresenting the price at which such fur product has been sold or offered for sale by respondent.

2. Misrepresenting in any manner on a label or other means of identification the savings available to the purchaser of any fur product from respondent.

3. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. Falsely or deceptively advertising any fur product through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale, of such fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe such fur product which is not pointed, bleached, dyed, tipped, or otherwise artificially colored.

3. Represents, directly or by implication, that any price, whether accompanied or not by descriptive terminology is the respondent's former price of such fur product when such price is in excess of the price at which such fur product has been sold or offered for sale in good faith by the respondent in the recent regular course of business, or otherwise misrepresents the price at which any such fur product has been sold or offered for sale by respondent.

4. Falsely or deceptively represents, that savings are afforded to the purchaser of any such fur product or misrepresents in any manner the amount of savings afforded to the purchaser of such fur product.

5. Falsely or deceptively represents that the price of any such fur product is reduced.

6. Misrepresents, directly or by implication, through percentage savings claims that the price of any such fur product is reduced to afford the purchaser of such fur product from respondent the percentage of savings stated.

7. Misrepresents in any manner, directly or by implication, the quantity or value of the inventory of fur products displayed or offered for sale.

C. Failing to maintain full and adequate records disclosing the facts upon which pricing claims and representations of the types described in subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act, are based.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: February 12, 1968.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-2681; Filed, Mar. 4, 1968;
8:46 a.m.]

**PART 15—ADMINISTRATIVE
OPINIONS AND RULINGS**

**Truckload Discount for Quantity
Purchases**

§ 15.198 Truckload discount for quantity purchases.

(a) The Commission rendered an advisory opinion involving a 5 percent discount that a manufacturer proposed to offer to all customers purchasing in truckload-lot quantities. The manufacturer requesting the opinion is subject to a cease and desist order prohibiting price discrimination under section 2(a) of the amended Clayton Act.

(b) The manufacturer operates a single factory located in the Midwest and ships its products on a uniform delivered price basis to wholesale customers located throughout the continental United States. The manufacturer desires to pass on to its customers cost savings due to lower freight rates for full truckload-lot quantities, by means of a uniform discount applicable to all truckload orders. For a recent 6-month period, the manufacturer determined that its average freight saving on such orders was in excess of 5 percent. It thereupon requested an advisory opinion as to whether the Commission would approve a uniform 5 percent truckload discount.

(c) The Commission advised the manufacturer that it could not approve the proposed 5 percent discount for truckload-lot orders because, based on the submitted data, the proposed discount would not appear to be uniformly cost justified. Accordingly, the use of such a discount could result in violation of the order in question, by producing price discriminations between customers qualifying for the discount and competing customers not able to qualify for it. The Commission noted that the alleged cost savings depend upon averaging the savings in the freight rates for truckload-lot shipments to all of the manufacturer's truckload customers in the United States and that, although the freight savings increase with the distance of customers from the manufacturer's plant, the freight saving on sales to nearby truckload customers is considerably less than 5 percent.

(38 Stat. 717, as amended; 15 U.S.C. 41-58;
49 Stat. 1256; 15 U.S.C. 13, as amended)

Issued: March 4, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-2658; Filed, Mar. 4, 1968;
8:45 a.m.]

**PART 15—ADMINISTRATIVE
OPINIONS AND RULINGS**

**Agreement by Processors To Sell at
Prices Higher Than Minimums Set
by State Regulation**

**§ 15.199 Agreement by processors to sell
at prices higher than minimums set
by State regulation.**

(a) The Commission recently rendered an advisory opinion advising a State official that it would be illegal to hold a meeting at which the processors of milk within the State would agree to sell at prices higher than the minimum prices set by the State milk control agency.

(b) The official pointed out that the State milk control agency had performed its function of setting minimum prices pursuant to State law, but that it was felt that it would be difficult for many processors to maintain a profitable operation at these minimums in the outlying areas and towns due to higher delivery costs. The official also advised that this proposed action would not be taken pursuant to State law, but would instead be as a result of voluntary agreement among the processors involved.

(c) The opinion advised that it was the Commission's considered opinion that such an agreement among the processors would be subject to serious question under well-settled principles of antitrust law. The Commission stated the law is clear that a State may, in the exercise of its sovereign power, itself conduct such regulation of business activities within its borders as its own legislature shall properly deem necessary in the public interest. So long as the resulting regulation is a State as opposed to individual

activity, those subject to the regulation would not be subject to a charge of violating the antitrust laws by reason of their compliance with the State's orders, including orders setting minimum prices for milk.

(d) Here it appeared that the State, speaking through its milk control agency, had already performed its regulatory function and set minimum prices for milk within its borders. While any individual processor may sell at higher prices if he so desires, for them to combine together to agree to sell at higher prices would, in the Commission's view, present an entirely different question and would be a situation which would enjoy no part of the immunity afforded by State regulation. The prices to be charged within the State may be raised or lowered only by the State itself, the opinion added. They may not be altered by agreement among those subject to the State's regulation without being fully subject to the antitrust laws, under which no principle is more firmly established than that which holds that any agreement among competitors as to the prices at which they will sell is illegal per se. (38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: March 4, 1968.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 68-2659; Filed, Mar. 4, 1968;
8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

S-Propyl Butylethylthiocarbamate

A petition (PP 8F0628) was filed with the Food and Drug Administration by the Stauffer Chemical Co., Richmond, Calif. 94804, proposing the establishment of tolerances for negligible residues of the herbicide S-propyl butylethylthiocarbamate in or on the raw agricultural commodities sugar beets (roots and tops) and tomatoes at 0.1 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the tolerances are being established.

Based on consideration given the data in the petition, and other relevant material, the Commissioner of Food and Drugs concludes that the tolerances established by this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act

(sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2)) and delegated by him to the Commissioner (21 CFR 2.120), Part 120 is amended by adding to Subpart C the following new section:

§ 120.238 S-Propyl butylethylthiocarbamate; tolerances for residues.

Tolerances are established for negligible residues of the herbicide S-propyl butylethylthiocarbamate in or on the raw agricultural commodities sugar beets (roots and tops) and tomatoes at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: February 26, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-2689; Filed, Mar. 4, 1968;
8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BOILER WATER ADDITIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8A2227) filed by American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of acrylamide-sodium acrylate resin as a boiler water additive in the preparation of steam that will contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1088(c) is amended by inserting alphabetically in the list a new item, as follows:

§ 121.1088 Boiler water additives.

(c) List of substances:

	Limitations
Acrylamide-sodium acrylate resin.	Contains not more than 0.05 percent by weight of acrylamide monomer.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 26, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-2688; Filed, Mar. 4, 1968;
8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2242) filed by Geigy Chemical Corp., Ardsley, N.Y. 10502, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of sodium N-lauroyl sarcosinate in the formulation of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2520 Adhesives.

(c) * * *
(5) * * *

COMPONENTS OF ADHESIVES

Substances Limitations

Sodium N-lauroyl
sarcosinate.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: February 26, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-2687; Filed, Mar. 4, 1968;
8:47 a.m.]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 102—RULES AND REGULATIONS, SERIES 8, AS AMENDED

Records and Information; Correction

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935,¹ the National Labor Relations Board hereby issues the following correction to its Rules and Regulations, Series 8, as amended.²

Dated, Washington, D.C., February 28, 1968.

By direction of the Board.

OGDEN W. FIELDS,
Executive Secretary.

Subpart K—Records and Information

Section 102.117(d) is corrected to read as follows:

¹ 49 Stat. 449; 29 U.S.C. 151-166, as amended by act of June 23, 1947 (61 Stat. 136; 29 U.S.C. Supp. 151-167), act of Oct. 22, 1951 (65 Stat. 601; 29 U.S.C. 158, 159, 168), and act of Sept. 14, 1959 (73 Stat. 519; 29 U.S.C. 141-168).

² This corrects amendments which appeared at 32 F.R. 9547, 9551.

§ 102.117 Board materials and formal documents available for public inspection and copying; requests for identifiable records; files and records not subject to inspection; fees for copying and production.

(d) Subject to the provisions of §§ 102-31(c) and 102.66(c), all files, documents, reports, memoranda, and records of the agency falling within the exemptions specified in Public Law 90-23, 5 U.S.C. section 552(b), shall not be made available for inspection or copying, unless specifically permitted by the Board, its chairman, or its general counsel.

[F.R. Doc. 68-2710; Filed, Mar. 4, 1968;
8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 200—ORGANIZATION, FUNCTIONS, AND PROCEDURES

Miscellaneous Amendments

1. Section 200.2 of Title 36, Code of Federal Regulations, is amended by revising paragraph (e) as follows:

§ 200.2 Field organization.

(e) * * *

REGION 3, SOUTHWESTERN REGION

(Arizona and New Mexico) Regional Forester, Federal Building, 517 Gold Avenue SW, Albuquerque, N. Mex. 87101.

State in which forest is located	National forests and grasslands	Headquarters of Supervisor
Arizona.....	Apache..... Coconino..... Coronado..... Kaibab..... Prescott..... Sitgreaves..... Tonto..... Carson..... Cibola..... Gila..... Lincoln..... Santa Fe.....	Springerville. Flagstaff. Tucson. Williams. Prescott. Holbrook. Phoenix. Taos. Albuquerque. Silver City. Alamogordo. Santa Fe.
New Mexico.....		
New Mexico, Texas, and Oklahoma.....	Panhandle.....	Amarillo, Tex.

REGION 4, INTERMOUNTAIN REGION

(Utah, southern Idaho, western Wyoming, and Nevada) Regional Forester, Federal Office Building, 324 26th Street, Ogden, Utah 84401.

Idaho.....	Boise..... Caribou..... Challis..... Payette..... Salmon..... Sawtooth..... Targhee..... Humboldt..... Toiyabe..... Ashley..... Cache..... Dixie..... Fishlake..... Manti-LaSal..... Uinta..... Wasatch..... Teton..... Bridger.....	Boise. Pocatello. Challis. McCall. Salmon. Twin Falls. St. Anthony. Elko. Reno. Vernal. Logan. Cedar City. Richfield. Price. Provo. Salt Lake City. Jackson. Kemmerer.
Nevada.....		
Utah.....		
Wyoming.....		

REGION 5, CALIFORNIA REGION

(Regional Forester, 630 Sansome Street, San Francisco, Calif. 94111.)

California.....	Angeles..... Cleveland..... Eldorado..... Inyo..... Klamath..... Lassen..... Los Padres..... Mendocino..... Modoc..... Plumas..... San Bernardino..... Sequoia..... Shasta-Trinity..... Sierra..... Six Rivers..... Stanislaus..... Tahoe.....	Pasadena. San Diego. Placerville. Bishop. Yreka. Susanville. Santa Barbara. Willows. Alturas. Quincy. San Bernardino. Porterville. Redding. Fresno. Eureka. Sonora. Nevada City.
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REGION 6, PACIFIC NORTHWEST REGION

(Washington and Oregon) Regional Forester, 319 Southwest Pine Street, Portland, Oreg. 97208.

Oregon.....	Deschutes..... Fremont..... Malheur..... Mount Hood..... Ochoco..... Rogue River..... Siskiyou..... Siuslaw..... Umatilla..... Umpqua..... Wallowa-Whitman..... Willamette..... Winema..... Gifford Pinchot..... Mount Baker..... Okanogan..... Olympia..... Snoqualmie..... Wenatchee.....	Bend. Lakeview. John Day. Portland. Prineville. Medford. Grants Pass. Corvallis. Pendleton. Roseburg. Baker. Eugene. Klamath Falls. Vancouver. Bellingham. Okanogan. Olympia. Seattle. Wenatchee.
Washington.....		

§ 200.6 [Amended]

2. Section 200.6 is amended by revising paragraph (f) (3) to read as follows:

(3) Inspection data or information on the Timber Sale Statement of Account (Form 2400-22) which would reveal the purchaser's deposits or balance on deposit to persons other than the purchaser or his authorized representative.

§ 200.7 [Amended]

3. F.R. Doc. 67-7614, published at page 9679 in the issue dated Tuesday, July 4, 1967, is corrected by changing "Information on the Application for Grazing Permit (Form 2200-16a rev. 9/65) part 8 * * *" to read "Information on the Application for Grazing Permit (Form 2200-16a rev. 9/65) part 2 * * *" in paragraph (f) (5) of § 200.6; and by changing "Office of the Chief of offices * * *" to read "Office of the Chief or offices * * *" in § 200.7.

(Sec. 552, 81 Stat. 54; 5 U.S.C. 552)

Done at Washington, D.C., this 29th day of February, 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-2708; Filed, Mar. 4, 1968;
8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART I—GENERAL PROVISIONS

Standards for Collection of Claims

In Part 1, § 1.919 is revised to read as follows:

§ 1.919 Interest.

The Veterans Administration may forego prejudgment interest not mandated by statute, contract, or regulation as an inducement to voluntary payment. In such cases, demand letters will inform debtors that prejudgment interest will be collected if suit becomes necessary. When a debt is collected in installments and interest is included, the installment payments will first be applied to the payment of accrued interest and then to principle in accordance with the so called "U.S. Rule", except that on debts arising as a result of defaults on loans guaranteed, insured, or made pursuant to Title 38, United States Code, collections will be applied first to liquidate the principal of the debt, and then to interest obligation, calculated on the basis of declining principal balances without charging interest on interest balances. The foregoing provision of this section is applicable unless a different rule is prescribed by statute, contract, or regulation.

(72 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: February 28, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-2685; Filed, Mar. 4, 1968;
8:47 a.m.]

PART 17—MEDICAL

State Home Facilities for Furnishing Nursing Home Care

Immediately following § 17.176, Appendix A is revised to read as follows:

APPENDIX A

(See § 17.171)

STATE HOME FACILITIES FOR FURNISHING NURSING HOME CARE

The maximum number of beds, as required by 38 U.S.C. 5034(1), to provide adequate nursing home care to war veterans residing in each State is established as follows:

State	War veteran population ¹	No. of beds
Alabama	330,000	495
Alaska	23,000	35
Arizona	187,000	281
Arkansas	180,000	270
California	2,427,000	3,641
Colorado	235,000	353
Connecticut	364,000	546
Delaware	60,000	90
District of Columbia	100,000	150
Florida	761,000	1,142
Georgia	392,000	588
Hawaii	50,000	75
Idaho	77,000	115
Illinois	1,310,000	1,965
Indiana	569,000	854
Iowa	313,000	470
Kansas	250,000	375
Kentucky	315,000	473
Louisiana	340,000	510
Maine	114,000	171
Maryland	428,000	642
Massachusetts	699,000	1,049
Michigan	948,000	1,422
Minnesota	417,000	626
Mississippi	184,000	276
Missouri	532,000	798
Montana	82,000	123
Nebraska	152,000	228
Nevada	53,000	80
New Hampshire	84,000	126
New Jersey	885,000	1,328
New Mexico	111,000	167
New York	2,175,000	3,263
North Carolina	442,000	663
North Dakota	66,000	99
Ohio	1,253,000	1,880
Oklahoma	278,000	417
Oregon	250,000	375
Pennsylvania	1,479,000	2,219
Rhode Island	112,000	168
South Carolina	216,000	324
South Dakota	71,000	107
Tennessee	394,000	591
Texas	1,129,000	1,694
Utah	105,000	158
Vermont	45,000	68
Virginia	453,000	680
Washington	380,000	570
West Virginia	205,000	308
Wisconsin	394,000	591
Wyoming	45,000	68
Puerto Rico (Commonwealth)	99,000	149

¹ Data as of June 30, 1967. Source: Reports and Statistics Service, Office of the VA Controller. (Based on last available Bureau of the Census data.)

(72 Stat. 1114; 38 U.S.C. 210)

This VA regulation is effective the date of approval.

Approved: February 27, 1968.

By direction of the Administrator.

[SEAL] A. W. STRATTON,
Deputy Administrator.

[F.R. Doc. 68-2612; Filed, Mar. 4, 1968;
8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 109—Atomic Energy Commission

SUBCHAPTER C—TRANSPORTATION AND MOTOR VEHICLES

PART 109-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

This part is being issued to set forth AEC implementation and supplementation of Federal Property Management Regulations, Part 101-40—Transportation and Traffic Management.

Sec.	Scope of part.
109-40.000	Applicability to contractors.
109-40.000-50	General provisions.
109-40.1	Representation before regulatory bodies.
109-40.102	Reports.
109-40.106	Utilization of special contracts and agreements.
109-40.109	Freight rates, routes, and services.
109-40.3	Cost consideration.
109-40.303-2	Negotiation by other agencies.
109-40.305-3	Reports of agency negotiations.
109-40.305-5	Negotiations involving national security.
109-40.305-50	Tonnage reports.
109-40.307	Bills of lading.
109-40.50	Scope of subpart.
109-40.5000	Policy.
109-40.5001	Applicability.
109-40.5002	Commercial bills of lading or commercial express receipts.
109-40.5003	Government bills of lading.
109-40.5004	Price-Anderson coverage certifications.
109-40.51	Scope of subpart.
109-40.5100	Policy.
109-40.5101	

AUTHORITY: The provisions of this Part 109-40 issued pursuant to sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

§ 109-40.000 Scope of part.

This part prescribes AEC regulations governing transportation and traffic management activities, which regulations implement and supplement Federal Property Management Regulations.

§ 109-40.000-50 Applicability to contractors.

FPMP Part 101-40, Transportation and Traffic Management, and AECFMR 109-40, Transportation and Traffic Management, should be applied to cost-type contractors' transportation and traffic management activities. Departure by cost-type contractors from the provisions of these regulations may be authorized by the contracting officer provided the practices and procedures followed are consistent with the basic policy objectives in these regulations and except to the extent such departure is prohibited by statute or executive order.

§ 109-40.1 General provisions.

§ 109-40.102 Representation before regulatory bodies.

Participation in proceedings related to carrier applications to regulatory bodies for temporary or permanent authority to operate in specified geographical locations shall be confined to statements or testimony in support of a need for service and shall not extend to support of individual carriers or groups of carriers.

§ 109-40.106 Reports.

Reports which are specifically requested by GSA or are prescribed in Federal Property Management Regulation 101-40 shall be submitted to the Division of Construction five days prior to the established due date so as to permit timely transmittal to GSA. The format

to be used by field offices for reporting as indicated above shall be as prescribed in the specific requests or appropriate section of the FPMR.

§ 109-40.109 Utilization of special contracts and agreements.

From time to time special transportation agreements are entered into on a Government-wide or an AEC-wide basis and are applicable generally to AEC shipments. The Division of Construction will distribute information on such agreements to field offices as it becomes available.

§ 109-40.3 Freight rates, routes, and services.

§ 109-40.303-2 Cost consideration.

Premium transportation shall be used only where the additional cost is clearly justified. When premium transportation is used for shipments in excess of 500 pounds, a written statement supporting the use of such transportation shall be retained in an appropriate file.

§ 109-40.305-3 Negotiation by other agencies.

The limitations in FPMR 101-40.305-3(a) do not apply to the initiation and conduct of negotiations for freight rates and services related to shipments of nuclear weapons and radioactive and fissile materials.

§ 109-40.305-5 Reports of agency negotiations.

Subject to the provisions of FPMR 101-40.305-5 a complete report of each negotiation (other than those related to nuclear weapons, radioactive and fissile material shipments, and all other commodities when the quantity involved is less than 100 short tons of a single commodity or mixed commodities to be moved by common carrier from the same consignor to the same consignee within a 30-day period) shall be submitted to the Division of Construction promptly after each negotiation is completed for transmittal to GSA. Each report shall be in memorandum form referencing FPMR 101-40.305-5 and shall contain the data prescribed in the FPMR's. Classified information shall not be included in the reports.

§ 109-40.305-50 Negotiations involving national security.

Title 49 U.S.C., section 22, as amended by Public Law 85-246, provides that rate tenders to the Government must be filed by the carriers with the Interstate Commerce Commission except for "any quotation or tender which, as indicated by the U.S. Government, or any agency or Department thereof, to any carrier or carriers, involves information the disclosure of which would endanger the national security." Carriers will be informed by the negotiating official if any quotation or tender to the U.S. Atomic Energy Commission involves such information.

§ 109-40.307 Tonnage reports.

Tonnage reports required by FPMR 101-40.307 shall be submitted to the Division of Construction 5 working days before the end of each calendar month so as to allow for timely transmittal to GSA. Tonnage representing commodities under AEC negotiated rates authorized by AECPMR 109-40.305-3 shall not be reported to GSA.

§ 109-40.50 Bills of lading.

§ 109-40.5000 Scope of subpart.

This subpart sets forth the requirements under which commercial or Government bills of lading or express receipts may be used.

§ 109-40.5001 Policy.

Generally AEC cost-type contractors will use commercial bills of lading or commercial express receipts in making shipments for the account of the AEC. Cost-type contractors may be authorized by the contracting officer to use Government bills of lading if such use will be advantageous to the Government.

§ 109-40.5002 Applicability.

The policy and procedures set forth in this subpart shall be applied when AEC's cost-type contractors use commercial bills of lading or commercial express receipts.

§ 109-40.5003 Commercial bills of lading or commercial express receipts.

(a) AEC's cost-type contractors using commercial bills of lading in making shipments for the account of the Atomic Energy Commission shall include the following statement or one substantially the same on all commercial bills of lading:

This shipment is for the account of the U.S. Government which will assume the freight charges and is subject to the terms and conditions set forth in the standard form of the U.S. Government bills of lading and to any available special rates or charges.

(b) The foregoing language may be varied without materially changing its substance to satisfy the needs of particular cost-type contractors for the purpose of obtaining the benefit of the lowest available rates for the account of the Government.

(c) Where practicable, commercial bills of lading or express receipts may provide for consignment of a shipment to the U.S. Atomic Energy Commission c/o the cost-type contractor or may indicate consignment by the contractor "for the U.S. Atomic Energy Commission."

(d) Commercial bills of lading exceeding \$10,000 issued by cost-type contractors shall be annotated with a typewritten, rubber stamp, or similar impression containing the following wording:

EQUAL EMPLOYMENT OPPORTUNITY

The nondiscrimination clauses contained in section 202 of Executive Order 11246 relative to equal employment opportunity for all persons without regard to race, creed, color, or national origin, and the implementing rules and regulations of the President's Committee on Equal Employment Opportunity which, to the extent not inconsistent with Executive Order 11246, remain in full force and effect as those of the Secretary of Labor, are incorporated herein.

§ 109-40.5004 Government bills of lading.

(a) Before any Government bill of lading which has not been revised to include reference to Executive Order 10925, as amended, or Executive Order 11246 is issued for use by AEC or cost-type contractors (where authorized) at least the original (SF 1103) and shipping order copy (SF 1104) shall be annotated with a typewritten, rubber stamp, or similar impression containing the following wording:

EQUAL EMPLOYMENT OPPORTUNITY

Condition 9 hereof is revised as follows: The nondiscrimination clauses contained in section 202 of Executive Order 11246 relative to equal employment opportunity for all persons without regard to race, creed, color, or national origin and the implementing rules and regulations prescribed by the Secretary of Labor, are incorporated herein.

(b) In those instances when AEC cost-type contractors are authorized to use Government bills of lading, specific employees of cost-type contractors will be authorized by the contracting officer to issue such Government bills of lading. (See Title V, U.S. Government Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.)

§ 109-40.51 Price-Anderson coverage certifications.

§ 109-40.5100 Scope of subpart.

This subpart sets forth the policy for issuance of certifications regarding Price-Anderson coverage of particular shipments.

§ 109-40.5101 Policy.

Upon request of a carrier, an appropriate certification will be issued by an authorized representative of the Atomic Energy Commission to the carrier regarding the applicability of Price-Anderson indemnity to a particular shipment.

Effective date. This part will become effective 60 days after publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 13th day of February 1968.

For the U.S. Atomic Energy Commission.

J. A. ERLEWINE,
Assistant General Manager
for Operations.

[F.R. Doc. 68-2671; Filed, Mar. 4, 1968; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER C—INTERNATIONAL MAIL

APPENDIX—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. At the front of the appendix Table I of Chart I, Tables I and III of Chart

2, Table I of Chart 3, and Chart 6, are revised to show revisions in the international surface and air letter rates, post cards, and regular printed matter sent to Canada and Mexico which became effective on January 7, 1968.

CHART I—POSTAL UNION MAIL

(See Parts 221 through 225 of this chapter for detailed information on mailing conditions.)

TABLE I—CLASSIFICATIONS AND WEIGHT LIMITS FOR SURFACE AND AIR MAIL, AND SURFACE POSTAGE RATES
(For airmail: See country items for rates and Part 241 of this chapter for general information.)

Classifications (surface and air)	Surface rates	Weight limits (surface and air)
Letter mail (see § 222.1 of this chapter):		
To Canada.....	6¢ per ounce.....	60 pounds.
To Mexico.....	6¢ per ounce (See Chart 2, Table I).....	4 pounds 6 ounces.
To all other countries.....	13¢ first ounce, 8¢ each additional ounce. (See Chart 2, Table II.)	Do.
Postcards (see § 222.2 of this chapter):		
To Canada and Mexico.....	5¢ single; 10¢ reply paid.....	
To all other countries.....	8¢ single; 16¢ reply paid.....	
Printed matter (see § 222.4 of this chapter):		
a. Regular prints not stated in b and c:		
To Canada and Mexico.....	6¢ first 2 OUNCES; 2¢ each additional OUNCE. (See Chart 2, Table III.)	See Table II.
To all other countries.....	6¢ first 2 ounces; 4¢ each additional 2 ounces. (See Chart 2, Table IV.)	
b. Books and sheet music (see § 222.4(a)(1) (i) of this chapter):		
To PUAS countries (see § 211.2 of this chapter) except Spain and Spanish possessions.	3¢ first 2 ounces; 1¢ each additional 2 ounces. (See Chart 2, Table V.)	See Table II.
To all other countries including Spain and Spanish possessions.	4¢ first 2 ounces; 1½¢ each additional 2 ounces. (See Chart 2, Table VI.)	
c. Publishers' second class and controlled circulation publications to all countries.	See § 222.4(a)(1)(iii) and (iv) of this chapter.	
Matter for the blind (see § 222.5 of this chapter):	FREE—See § 222.5(d) and Part 138 of this chapter.	15 pounds 6 ounces.
Samples of merchandise (see § 222.6 of this chapter):		
To Canada and Mexico.....	4¢ first 2 OUNCES; 2¢ each additional OUNCE; minimum charge 10¢. (See Chart 2, Table III.)	16 ounces.
To all other countries.....	6¢ first 2 ounces; 4¢ each additional 2 ounces; minimum charge 13¢. (See Chart 2, Table IV.)	18 ounces.
Small packets: To all countries admitting (see § 222.7 of this chapter and country items).	6¢ each 2 ounces; minimum charge 26¢. (See Chart 2, Table VII.)	2 pounds 3 ounces.

To determine the postage for packages of printed matter over 6 pounds 9 ounces addressed to Mexico, compute the rate for the pounds alone at 32 cents per pound. Then if there are no remaining ounces, add 2 cents; if there are remaining ounces, determine the rate for them from the table and add to the rate for the pounds.

To determine the postage for packages of printed matter weighing over 6 pounds 9 ounces addressed to countries admitting them (see Chart I, Table II), compute the rate for the pounds alone at 32 cents per pound. Then if there are no remaining ounces, add 2 cents; if there are remaining ounces, determine the rate for them from the table and add to the rate for the pounds. For example, if a package weighs 21 pounds, compute the rate at 32 cents and add 2 cents, finding the rate to be \$6.74. If a package weighs 21 pounds 5 ounces, compute the rate for 21 pounds at 32 cents (\$6.72) and add the rate for the ounces (14 cents), finding the rate to be \$6.86.

CHART 3—READY-REFERENCE TABLES OF POSTAGE ON POSTAL UNION AIRMAIL

TABLE I—AIRMAIL RATES FOR LETTERS AND LETTER PACKAGES TO CANADA AND MEXICO
(Rate: 10 cents per ounce or fraction)

Lbs. Oz.	Rate	Lbs. Oz.	Rate	Lbs. Oz.	Rate
0 1	\$0.10	0 12	\$1.20	1 7	\$2.30
0 2	.20	0 13	1.30	1 8	2.40
0 3	.30	0 14	1.40	1 9	2.50
0 4	.40	0 15	1.50	1 10	2.60
0 5	.50	1 0	1.60	1 11	2.70
0 6	.60	1 1	1.70	1 12	2.80
0 7	.70	1 2	1.80	1 13	2.90
0 8	.80	1 3	1.90	1 14	3.00
0 9	.90	1 4	2.00	1 15	3.10
0 10	1.00	1 5	2.10	2 0	3.20
0 11	1.10	1 6	2.20		

For letters or letter packages over 2 pounds, add 10 cents for each ounce or fraction.

CHART 2—READY REFERENCE TABLES OF POSTAGE ON POSTAL UNION SURFACE MAIL

TABLE I—SURFACE RATES FOR LETTERS AND LETTER PACKAGES TO CANADA AND MEXICO
(Rate: 6 cents per ounce or fraction)

Lbs. Ozs.	Rate	Lbs. Ozs.	Rate	Lbs. Ozs.	Rate
0 1	\$0.06	1 9	\$1.50	3 1	\$2.94
0 2	.12	1 10	1.56	3 2	3.00
0 3	.18	1 11	1.62	3 3	3.06
0 4	.24	1 12	1.68	3 4	3.12
0 5	.30	1 13	1.74	3 5	3.18
0 6	.36	1 14	1.80	3 6	3.24
0 7	.42	1 15	1.86	3 7	3.30
0 8	.48	2 0	1.92	3 8	3.36
0 9	.54	2 1	1.98	3 9	3.42
0 10	.60	2 2	2.04	3 10	3.48
0 11	.66	2 3	2.10	3 11	3.54
0 12	.72	2 4	2.16	3 12	3.60
0 13	.78	2 5	2.22	3 13	3.66
0 14	.84	2 6	2.28	3 14	3.72
0 15	.90	2 7	2.34	3 15	3.78
1 0	.96	2 8	2.40	4 0	3.84
1 1	1.02	2 9	2.46	4 1	3.90
1 2	1.08	2 10	2.52	4 2	3.96
1 3	1.14	2 11	2.58	4 3	4.02
1 4	1.20	2 12	2.64	4 4	4.08
1 5	1.26	2 13	2.70	4 5	4.14
1 6	1.32	2 14	2.76	4 6	4.20
1 7	1.38	2 15	2.82		
1 8	1.44	3 0	2.88		

For letters or letter packages to Canada exceeding 4 pounds, 6 ounces, add 6 cents for each additional ounce or fraction.

TABLE III—SURFACE RATES TO CANADA AND MEXICO FOR REGULAR PRINTED MATTER AND FOR SAMPLES OF MERCHANDISE

(SEE CHART 1, TABLE II FOR WEIGHT LIMITS)
(Rates: 6 cents first 2 OUNCES; 2 cents each additional OUNCE)

Lbs. Oz.	Rate	Lbs. Oz.	Rate	Lbs. Oz.	Rate
1 0	\$0.06	2 5	\$0.76	4 8	\$1.46
1 1	.08	2 6	.78	4 9	1.48
1 2	.10	2 7	.80	4 10	1.50
1 3	.12	2 8	.82	4 11	1.52
1 4	.14	2 9	.84	4 12	1.54
1 5	.16	2 10	.86	4 13	1.56
1 6	.18	2 11	.88	4 14	1.58
1 7	.20	2 12	.90	4 15	1.60
1 8	.22	2 13	.92	5 0	1.62
1 9	.24	2 14	.94	5 1	1.64
2 0	.26	2 15	.96	5 2	1.66
2 1	.28	3 0	.98	5 3	1.68
2 2	.30	3 1	1.00	5 4	1.70
2 3	.32	3 2	1.02	5 5	1.72
2 4	.34	3 3	1.04	5 6	1.74
2 5	.36	3 4	1.06	5 7	1.76
2 6	.38	3 5	1.08	5 8	1.78
2 7	.40	3 6	1.10	5 9	1.80
2 8	.42	3 7	1.12	5 10	1.82
2 9	.44	3 8	1.14	5 11	1.84
2 10	.46	3 9	1.16	5 12	1.86
2 11	.48	3 10	1.18	5 13	1.88
2 12	.50	3 11	1.20	5 14	1.90
2 13	.52	3 12	1.22	5 15	1.92
2 14	.54	3 13	1.24	6 0	1.94
2 15	.56	3 14	1.26	6 1	1.96
2 16	.58	3 15	1.28	6 2	1.98
2 17	.60	4 0	1.30	6 3	2.00
2 18	.62	4 1	1.32	6 4	2.02
2 19	.64	4 2	1.34	6 5	2.04
2 20	.66	4 3	1.36	6 6	2.06
2 21	.68	4 4	1.38	6 7	2.08
2 22	.70	4 5	1.40	6 8	2.10
2 23	.72	4 6	1.42	6 9	2.12
2 24	.74	4 7	1.44		

10 cents is the minimum postage chargeable on Samples of Merchandise, and 10 ounces is the maximum weight limit.

CHART 6—SPECIAL HANDLING

Special handling service is available only for surface, AO and parcel post packages. The following fees apply:

	Cents
Up to 2 pounds.....	25
Over 2 pounds and up to 10 pounds.....	35
Over 10 pounds.....	50

Marketing: Sender must endorse the parcel Special Handling.

Treatment: Parcels are entitled to priority treatment within the United States only. For further information see Part 246 of this chapter.

II. In the individual country listings make the following changes:

A. In Canada under Postal Union Mail, the items *Air rates* and *Registration* are revised and a new item *Special handling* is added to show new rates.

POSTAL UNION MAIL

Air rates. Single post cards, 8 cents each. Letters and letter packages, printed matter, matter for the blind, samples of merchandise and other merchandise packages, 10 cents per ounce or fraction. (See Chart 3, Table I.)

Registration. Fee 75 cents. Maximum indemnity \$100. Return receipt: 13 cents

to return by surface, 21 cents to return by air. See Part 242 of this chapter.

Special handling. Available to U.S. dispatching exchange office only. See Chart 6 for fees.

* * * * *

B. In Mexico under Postal Union Mail, the items *Air rates* and *Registration* are revised and a new item *Special handling* is added after the item *Insurance* to show new rates.

POSTAL UNION MAIL

* * * * *

Air rates. Letters, 10 cents per ounce. (See Chart 3, Table I.)

Single post cards, 8 cents each.

Printed matter, matter for the blind, samples of merchandise, and small packets, 40 cents first 2 ounces; 10 cents each

additional ounce or fraction. (See Chart 3, Table V.)

Registration. Fee, 75 cents. Maximum indemnity, \$8.17. Return receipt: 13 cents to return by surface, 21 cents to return by air. See Part 242 of this chapter.

* * * * *

Special handling. Available to U.S. dispatching exchange office only. See Chart 6 for fees.

* * * * *

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 68-2590; Filed, Mar. 4, 1968;
8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

ARTIFICIALLY RED-DYED YELLOW VARIETIES OF SWEETPOTATOES

Proposed Statement of Policy

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402(b), 701(a), 52 Stat. 1046-1047, 1055; 21 U.S.C. 342(b), 371(a)) and under the authority delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that the following statement of policy be added to Part 3:

§ 3. Artificially red-dyed yellow varieties of sweetpotatoes.

(a) It has been the practice of some growers, packers, and distributors of yellow varieties of sweetpotatoes to artificially color the skins of such potatoes with a red dye. Surveys made by the Food and Drug Administration and letters received by the Administration from consumers reveal that this practice can deceive those persons who prefer the naturally red varieties of sweetpotatoes. Also, representatives of the red sweetpotato industry have alleged that some consumers refuse to purchase any red sweetpotatoes since they cannot distinguish between the naturally red ones and those artificially colored with red dye.

(b) The Food and Drug Administration concludes, therefore, that yellow varieties of sweetpotatoes artificially colored with a red dye are adulterated within the meaning of section 402(b) of the Federal Food, Drug, and Cosmetic Act.

(c) The Food and Drug Administration will consider appropriate regulatory action regarding such adulterated sweetpotatoes shipped in interstate commerce if the act of adulterating the potatoes occurs within 90 days following the date of adoption of this statement of policy in the FEDERAL REGISTER.

All interested persons are invited to submit their views in writing, preferably in quintuplicate, regarding this proposal within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and

may be accompanied by a memorandum or brief in support thereof.

Dated: February 26, 1968.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 68-2690; Filed, Mar. 4, 1968;
8:47 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 121]

[Docket No. 8754; Notice 68-5]

PARTS POOLING AGREEMENTS

Proposed Operations Specifications

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to provide for the issuance of operations specifications that will permit Part 121 certificate holders to participate in parts pooling agreements with foreign air carriers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before June 3, 1968, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The provisions of Subparts E and F of Part 121 require air carriers and commercial operators to show that adequate supplies of spare parts are available before receiving approval of routes and areas of operation. In addition, stocks of spare parts at various bases of operation are an operational necessity if an operator is to avoid the economic losses that would result from the grounding of an aircraft due to the unavailability of parts.

The provisions of Part 43 and the maintenance regulations in Subpart L of Part 121 generally preclude the use of spare parts that have been maintained, altered, or inspected by persons who do

not hold U.S. airman certificates. These rules are, in part, based on section 610 (a) (2) of the Federal Aviation Act of 1958 (49 U.S.C. 1430(a)(2)) that provides: "It shall be unlawful * * * for any person to serve in any capacity as an airman in connection with any civil aircraft, aircraft engine, propeller or appliance used or intended for use, in air commerce without an airman certificate authorizing him to serve in such capacity, or in violation of any term, condition, or limitation thereof, or in violation of any order, rule, or regulation issued under this title". As a result, Part 121 operators were forced to stock large supplies of spare parts along their routes and areas of operation. Since this stockpiling was also conducted by foreign air carriers who operated similar aircraft of U.S. manufacture, considerable duplication of efforts occurred at overseas bases.

However, in pertinent part, section 101(7) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(7)) defining "airman" provides that: "Airman means * * * (except to the extent the Administrator may otherwise provide with respect to individuals employed outside the United States) any individual who is directly in charge of the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances." Under the provisions of this section, the Administrator is authorized in effect to exclude a mechanic employed outside the United States from the requirement of holding a U.S. airman certificate.

On the basis of section 101(7) a number of U.S. air carriers have petitioned for and received exemptions permitting the use of aircraft parts that have been maintained, altered, and inspected by foreign air carriers whose employees do not hold U.S. airman certificates. Certain conditions, including an inspection system, were required and these conditions and the permission to use the spare parts were set forth in the certificate holder's operations specifications. These exemptions have permitted U.S. air carriers and foreign air carriers who operate similar type aircraft, to enter into pooling agreements whereby they share joint stockpiles of spare parts. The parts pooling arrangements have resulted in substantial economic benefits for U.S. air carriers without having any effect on the safety of operation.

This proposal would establish, for Part 121 certificate holders, a more convenient method of obtaining an authorization that would allow them to participate in parts pooling agreements with foreign air carriers. Under proposed § 121.361, permission to use the spare parts would

be granted by amending the certificate holder's operations specifications. This in effect would delegate the Administrator's authority under section 101(7) of the Federal Aviation Act to those FAA personnel responsible for the issuance of operations specifications and would obviate the obtaining of an exemption prior to the issuance of operations specifications. Operations specifications issued under the prior exemptions would remain effective under this new procedure.

In consideration of the foregoing, it is proposed to amend § 121.361 of Part 121 of the Federal Aviation Regulations to read as follows:

§ 121.361 Applicability.

(a) Except as provided by paragraph (b) of this section, this subpart prescribes requirements for maintenance, preventive maintenance, and alterations for all certificate holders.

(b) The Administrator may amend a certificate holder's operations specifications to permit deviation from those provisions of this subpart that would prevent the return to service and use of airframe components, powerplants, appliances, and spare parts thereof because those items have been maintained, altered, or inspected by persons employed outside the United States who do not hold airman certificates.

This amendment is proposed under the authority of sections 101(7), 303(d), and 601(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(7), 1344(d) and 1421(a)).

Issued in Washington, D.C., on February 27, 1968.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 68-2711; Filed, Mar. 4, 1968;
8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 1821]

ARIZONA

Notice of Proposed Classification of Public Lands for Multiple-Use; Correction

In F.R. Doc. 68-2036, appearing on page 3145 of the issue of February 17, 1968, the following land should be added:

Under T. 19 S., R. 7 E.,
Sec. 23, lot 4.

GLENDON E. COLLINS,
Acting State Director.

FEBRUARY 27, 1968.

[F.R. Doc. 68-2662; Filed, Mar. 4, 1968;
8:45 a.m.]

NEVADA

Notice of Filing of Plat of Survey and Order Providing for Opening of Lands

FEBRUARY 27, 1968.

1. The Plats of Survey of lands described below will be officially filed at the Nevada Land Office, Reno, Nev., effective 10 a.m. on April 4, 1968.

MOUNT DIABLO MERIDIAN, NEVADA

- a. T. 40 N., R. 40 E. (Group 421).
- b. T. 40 N., R. 41 E. (Group 421).

2.a. The surveyed area in T. 40 N., R. 40 E. aggregates 13,134.62 acres. The plat was accepted January 18, 1968. Located about 40 miles northeast of Winnemucca, Nev., the land varies from desert land to mountainous land, altitudes from about 4,400 feet to 6,450 feet above sea level. The soil varies from sandy loam and sandy clay loam to sandy clay and rocky. Vegetation consists of sagebrush, bud-sage, shadscale, greasewood, and sparse native grasses, with scattered willows along the Little Humboldt River. There is no timber.

There is evidence of mining and milling operations. Access is provided by improved and unimproved roads.

b. The surveyed area in T. 40 N., R. 41 E. aggregates 23,010.35 acres. The plat was accepted January 18, 1968. Located about 40 miles northeast of Winnemucca, Nev., the land varies from nearly level to rolling. Elevation ranges from about 4,500 feet to 5,700 feet above sea level. The soil is sandy loam and rocky. The vegetation consists of sagebrush, shadscale, bud-sage, and sparse native grasses.

No mineral formations of consequence.

3. Subject to any existing valid rights and the requirements of applicable law, the above-described lands are hereby opened to filing applications, selections, and location, except for applications un-

der the Small Tract, Desert Land and Homestead Laws, in accordance with the following: Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs: Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of such claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph. All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m. April 4, 1968, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications, which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89502.

ROLLA E. CHANDLER,
Manager, Nevada Land Office.

[F.R. Doc. 68-2682; Filed, Mar. 4, 1968;
8:46 a.m.]

[Serial No. U-4069]

UTAH

Notice of Classification of Public Lands for Multiple-Use Management

1. Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in Title 43 CFR, Part 2410 and 2411, it is proposed to classify for multiple-use management the public lands within the area described below, together with any lands therein that may become public lands in the future. Publication of this notice has the effect of segregating the public lands in the area described below from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. 334) and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171).

The land shall remain open to all other applicable forms of appropriation including the mining and mineral leasing laws. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. The public lands affected are those lands administered by the Bureau of Land Management within the following described area which lies within a 40-mile radius of Price, Utah, all in Salt Lake Meridian:

UTAH COUNTY—APPROXIMATELY 7,000 ACRES

T. 11 S., R. 8 E.,
Secs. 12 and 13.
T. 11 S., R. 9 E.,
Secs. 1-30, 33-35.

DUCHESTER AND UTAH COUNTIES—APPROXIMATELY 90,000 ACRES

All the public land within the following described area:

Beginning at a point where the Ashley National Forest boundary intersects the county boundary line common to Duchesne and Utah Counties, near the northwest corner of sec. 18, T. 11 S., R. 10 E., thence easterly following the National Forest boundary to a point where it intersects the west line of lot 3, sec. 16, T. 10 S., R. 15 E.; thence south about one-quarter mile to the north $\frac{1}{4}$ cor. of sec. 21, T. 10 S., R. 15 E.; thence east $\frac{1}{4}$ mile; south $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile; south $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile; south $\frac{1}{4}$ mile; west $\frac{1}{4}$ mile to the southeast corner of sec. 21, T. 10 S., R. 15 E., thence south $\frac{1}{2}$ mile; west $\frac{1}{4}$ mile; south $\frac{1}{4}$ mile; west $\frac{1}{4}$ mile; south $\frac{1}{2}$ mile; east $\frac{1}{4}$ mile; south about $\frac{1}{4}$ mile; thence east to the northeast corner of sec. 4, T. 11 S., R. 15 E.; thence south about 1 mile to the southeast corner of sec. 4, T. 11 S., R. 15 E.; thence east $\frac{3}{4}$ mile; south $\frac{1}{4}$ mile; east $\frac{3}{4}$ mile; south $\frac{1}{4}$ mile; east $\frac{1}{2}$ mile; south $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile; south $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile; north $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile; north $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile to the east $\frac{1}{4}$ corner of sec. 12, T. 11 S., R. 15 E.; thence east about $\frac{3}{4}$ mile; north $\frac{1}{4}$ mile; east $\frac{1}{2}$ mile; north $\frac{1}{4}$ mile; east $\frac{1}{2}$ mile; north $\frac{1}{4}$ mile; east $\frac{3}{4}$ mile; south $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile; south $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile; south $\frac{1}{4}$ mile; east 1 mile; south $\frac{1}{2}$ mile; east 1 mile; north $\frac{1}{4}$ mile to the northeast corner of sec. 12, T. 11 S., R. 16 E.; thence east about 1 mile; south $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile; south $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile; south $\frac{1}{4}$ mile; east $\frac{1}{2}$ mile; south $\frac{1}{4}$ mile to the southeast corner sec. 17, T. 11 S., R. 17 E.; thence east $\frac{1}{2}$ mile; south $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile; south $\frac{1}{4}$ mile; east $\frac{1}{2}$ mile; south $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile; north $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile; north $\frac{1}{4}$ mile; east $\frac{1}{4}$ mile; north $\frac{1}{2}$ mile; east $\frac{3}{4}$ mile; south $\frac{1}{4}$ mile; east 1 mile; south $\frac{1}{4}$ mile; east $\frac{1}{2}$ mile; north $\frac{1}{2}$ mile; east $\frac{3}{4}$ mile; south $\frac{3}{4}$ mile to the south $\frac{1}{4}$ corner sec. 17, T. 11 S., R. 18 E.; thence south $\frac{3}{4}$ mile; west $\frac{1}{4}$ mile; south $\frac{1}{2}$ mile; east $\frac{3}{4}$ mile; north $\frac{1}{4}$ mile; east approximately $\frac{1}{2}$ mile to a point on Green River, said point being located near the northeast

corner of lot 3, sec. 28, T. 11 S., R. 18 E.; thence southerly along the west bank of Green River to the intersection of Uintah County boundary and Carbon County boundary; thence west along boundary common to Carbon and Duchesne Counties to intersection of boundary common to Duchesne and Utah Counties; thence north along county boundary to point of beginning; excluding NW $\frac{1}{4}$ of sec. 11 and SW $\frac{1}{4}$ of sec. 12, T. 11 S., R. 11 E., and secs. 34 and 35, T. 10 S., R. 11 E.

CARBON COUNTY—APPROXIMATELY 430,000 ACRES

Starting where the Carbon-Uintah County line intersects Green River; thence west along north Carbon County line to where it intersects the Minie Maud Road in sec. 5, T. 12 S., R. 12 E.; thence southeast along the road to Nine Mile Canyon Road; thence east along Nine Mile Canyon Road to the west section line of sec. 15, T. 12 S., R. 13 E.; thence east $\frac{1}{2}$ mile, south $\frac{3}{4}$ mile, east $\frac{1}{2}$ mile, south 2 miles, west $\frac{1}{2}$ mile, south $\frac{1}{2}$ mile, west $\frac{1}{4}$ mile, south $\frac{1}{4}$ mile, west $\frac{1}{4}$ mile, south $\frac{1}{4}$ mile, west to north $\frac{1}{4}$ corner of sec. 4, T. 13 S., R. 13 E.; thence south to the southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, sec. 9, T. 13 S., R. 13 E.; thence west $\frac{1}{4}$ mile, south $\frac{3}{4}$ mile, east $\frac{3}{4}$ mile, south 1 mile, east 3 miles, south 1 mile, east 1 mile, south 1 mile, east 1 mile, south 1 mile, east 2 miles, south 3 miles, east approximately $1\frac{1}{2}$ miles to bottom of Range Creek; thence down Range Creek drainage to Carbon-Emery County line; thence east along county line to where it intersects Green River; thence in northerly direction along Green River to point of beginning.

Also, starting at point on county line common to Utah and Carbon Counties where it intersects Beaver Creek Road on the north section line of sec. 2, T. 12 S., R. 8 E.; thence southwest along Beaver Creek Road to center of sec. 33, T. 12 S., R. 8 E.; thence in southeast direction to northeast corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 33, T. 12 S., R. 8 E.; thence east approximately 1 mile to Spring Canyon Road; thence in southeast direction along road to point where it intersects east section line of sec. 2, T. 13 S., R. 8 E.; thence south to southeast corner sec. 2, T. 13 S., R. 8 E.; thence west 2 miles, south 1 mile to southwest corner of sec. 10, T. 13 S., R. 8 E.; thence southwest in a straight line to center of sec. 26, T. 13 S., R. 17 E., west $\frac{1}{4}$ mile, south $1\frac{1}{2}$ miles to national forest boundary; thence south and east along boundary to where it intersects Carbon-Emery County line; thence east along county line $12\frac{1}{2}$ miles to south $\frac{1}{4}$ corner of sec. 34, T. 15 S., R. 10 E., north 2 miles, west $\frac{3}{4}$ mile, north $\frac{1}{4}$ mile, west $\frac{1}{2}$ mile, north $\frac{1}{4}$ mile, west $\frac{1}{2}$ mile, north $\frac{1}{4}$ mile, west 4 miles, north 6 miles, east 1 mile, north 5 miles, east $1\frac{1}{4}$ miles, south $\frac{1}{2}$ mile, east $\frac{3}{4}$ mile, south $1\frac{1}{2}$ miles, east $\frac{1}{2}$ mile, south 1 mile, east $\frac{1}{2}$ mile, south $\frac{1}{2}$ mile, east 1 mile, south $\frac{1}{2}$ mile, east $1\frac{1}{4}$ miles, south 1 mile, west $\frac{1}{4}$ mile, south $\frac{1}{2}$ mile, east $\frac{1}{2}$ mile, south $\frac{1}{2}$ mile, east $\frac{1}{2}$ mile, south $\frac{1}{2}$ mile, east $2\frac{1}{2}$ miles, north $\frac{1}{2}$ mile, east $1\frac{1}{4}$ miles, south $\frac{3}{4}$ mile, east $\frac{1}{4}$ mile, south $2\frac{1}{2}$ miles, west $\frac{1}{4}$ mile, south $1\frac{1}{4}$ miles, west $\frac{1}{4}$ mile, south $\frac{1}{2}$ mile, west 1 mile, south 3 miles to Carbon-Emery County line; thence east along county line to southwest corner of SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 32, T. 15 S., R. 14 E., north 1 mile, west $\frac{1}{4}$ mile, north $\frac{1}{2}$ mile, west $\frac{1}{2}$ mile, north $\frac{1}{4}$ mile, west $\frac{1}{2}$ mile, north $\frac{1}{4}$ mile, west $\frac{1}{2}$ mile, north $4\frac{1}{2}$ miles, east $\frac{1}{2}$ mile, north $\frac{3}{4}$ mile, west $\frac{1}{4}$ mile, north $\frac{1}{2}$ mile, west $\frac{1}{4}$ mile, north 2 miles, west 1 mile, north 1 mile, west 1 mile, north 1 mile, west 3 miles, north 1 mile, west $\frac{3}{4}$ mile, north $1\frac{1}{4}$ miles, west $1\frac{1}{4}$ miles, north $\frac{3}{4}$ mile, west 4 miles, north $1\frac{1}{4}$ miles, west $\frac{1}{2}$ mile, south $\frac{1}{4}$ mile, west 1 mile, south $\frac{1}{2}$

mile, west 2 miles, north $\frac{1}{2}$ mile, west $\frac{1}{2}$ mile, north $\frac{1}{4}$ mile, west $\frac{1}{2}$ mile, north $\frac{1}{4}$ mile, west $\frac{3}{4}$ mile, north $\frac{1}{4}$ mile, west 1 mile, north $\frac{1}{2}$ mile, west 1 mile, north $\frac{1}{2}$ mile, west 1 mile, north approximately $5\frac{1}{2}$ miles to Carbon-Duchesne County line; thence west along Carbon-Duchesne and Carbon-Utah County lines to point of beginning; except the following described land:

T. 13 S., R. 8 E., SLM,
Sec. 28, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 33, W $\frac{1}{2}$.
T. 14 S., R. 8 E., SLM,
Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$,
SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 10, E $\frac{1}{2}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 13 S., R. 9 E., SLM,
Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described aggregates approximately 527,000 acres of public land.

3. The record and maps depicting these lands are on file and may be reviewed at the Bureau of Land Management's district office at Price, and the State Office, Federal Building, Salt Lake City, Utah.

4. Several comments were received following publication of the notice of proposed classification (F.R. Doc. 67-15088), or at the public hearings held at Price and Duchesne, Utah, January 25, 1968. Most of the comments were favorable. All comments were carefully considered and no changes were deemed necessary.

5. For a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER, interested persons may submit comments to the Secretary of the Interior, LLM, 721, Washington, D.C. 20240 (43 CFR 2411.1-2(d)).

R. D. NIELSON,
State Director.

[F.R. Doc. 68-2663; Filed, Mar. 4, 1968;
8:45 a.m.]

UTAH

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

1. Plats of survey of the lands described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10 a.m., on March 31, 1968:

SALT LAKE MERIDIAN

Plats of survey accepted December 21, 1967:

T. 41 S., R. 5 E.,
Sec. 1, lots 1 to 8, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 3, lots 1 to 8, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 4, lots 1 to 8, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 5, lots 1 to 8, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 6, lots 1 to 11, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 8 to 15, inclusive;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 33 to 35, inclusive.

T. 39 S., R. 7 E.,
Sec. 1, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 3, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 4, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 5, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 6, lots 1 to 7, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 8 to 15, inclusive;
Sec. 17;
Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 20 to 29, inclusive;
Sec. 30, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Secs. 33 to 35, inclusive.
T. 32 S., R. 5 W.,
Sec. 1, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 3, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 4, lots 1 to 4, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 5, lots 1 to 8, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 6, lots 1 to 11, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 7, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 8, lot 1, N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 9, lots 1 to 4, inclusive, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 10, lots 1 to 4, inclusive, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 11, lots 1 to 4, inclusive, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 12, lots 1, 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, lots 1 to 4, inclusive, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$;
Sec. 18, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 19, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 20;
Sec. 21, lots 1 to 7, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 28, lots 1 to 4, inclusive, W $\frac{1}{2}$ E $\frac{1}{2}$, W $\frac{1}{2}$;
Sec. 29;
Sec. 30, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 31, lots 1 to 4, inclusive, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 33, lots 1, 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described aggregates 54,198.14 acres.

2. The following lands were withdrawn June 11, 1954, by the Bureau of Reclamation for the Colorado River Project:

T. 41 S., R. 5 E.,
Secs. 19 to 31, inclusive;
Secs. 33 to 35, inclusive.

3. The following lands were withdrawn April 21, 1913 by Executive order for Public Water Reserve No. 10:

T. 39 S., R. 7 E.,
Sec. 27, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

4. Except for the lands shown in paragraphs 2 and 3, the lands listed in paragraph 1 of this order are open to application, selection and petition as outlined in paragraph 5 below. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract, or any other nonmineral public land law unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any existing valid rights and the requirements of applicable law, the lands referred to in paragraph 4 hereof are hereby opened to filing of applications and selections, in accordance with the following:

a. Applications and selections under the nonmineral public land laws, except applications for Small Tracts, may be

presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph, will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., on March 31, 1968, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Available data indicates that the lands opened by this order vary in elevation from 4,000 to 8,000 feet. Soils are sandy clay, with some gravel. The only timber is pinon and juniper in the higher elevations and scattered tamarack in the lower draws. No evidence of minerals, although considerable prospecting for coal, oil, and gas has been done in T. 41 S., R. 5 E. The only permanent water found in these townships is the Sevier River in the southeast portion of T. 32 S., R. 5 W.

8. Inquiries concerning the lands should be addressed to the Manager, Utah Land Office, Post Office Box 11505, Salt Lake City, Utah 84111.

J. E. KEOGH,
Manager, Utah Land Office.

FEBRUARY 27, 1968.

[F.R. Doc. 68-2664; Filed, Mar. 4, 1968;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation
[Notice 30]

BARLEY FLAX, OATS, WHEAT, AND COMBINED CROP INSURANCE (NORTH DAKOTA)

Extension of Closing Dates or Time for Filing Applications for 1968 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the

Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for barley, flax, oats, wheat, and combined crop insurance for the 1968 crop year in all counties in North Dakota where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 15, 1968. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,

Federal Crop Insurance Corporation.

[F.R. Doc. 68-2707; Filed, Mar. 4, 1968;
8:48 a.m.]

Office of the Secretary SOUTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of South Dakota, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Aurora.	McCook.
Jerauld.	Miner.
Kingsbury.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of February 1968.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 68-2709; Filed, Mar. 4, 1968;
8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 19538; Order E-26409]

PRIORITY AIR TRANSPORT SYSTEMS, INC.

Establishment of Service Mail Rate; Order To Show Cause

FEBRUARY 27, 1968.

Issued under delegated authority.

By notice of intent filed on January 30, 1968, pursuant to 14 CFR Part 298, the Postmaster General petitioned the Board to establish for Priority Air Transport Systems, Inc. (Priority), an air taxi operator, a final service mail rate of 32.7 cents per great circle mile for the transportation of mail by aircraft between San Luis Obispo, Salinas, and San Francisco, Calif.

The Postmaster General states that the services of the certificated route carriers in this market do not meet postal requirements. Priority proposes to use twin engine all-weather aircraft in proving the mail service. No protest or objection has been filed against the services proposed in the notice of intent, and the time for filing such objections has now expired.

The Postmaster General also states that the proposed rate is acceptable to the Department and the carrier, and represents a fair and reasonable rate of compensation for the services which the carrier will perform. The Postmaster General believes these services will meet postal needs in this market.

Since no mail rate is presently in effect for this carrier in this market, it is in the public interest to fix and determine the fair and reasonable rate of compensation to be paid to Priority by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order¹ to include the following findings and conclusions:

1. That the fair and reasonable final service mail rate to be paid to Priority Air Transport Systems, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between San Luis Obispo, Salinas, and San Francisco, Calif., as described in the notice of intent, shall be 32.7 cents per great circle mile.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302 and 298, and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Priority Air Transport Systems, Inc., the Postmaster General, Pacific Air Lines, Inc., and United Air Lines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above, as the fair and reasonable rate of compensation to be paid to Priority, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR, Part 302,

¹ As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken by the staff in this matter under authority delegated in § 385.14(g).

and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Priority Air Transport Systems, Inc., the Postmaster General, Pacific Air Lines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-2691; Filed, Mar. 4, 1968;
8:47 a.m.]

[Docket Nos. 19563-19567; Order E-26408]

ROSS AVIATION, INC.

Establishment of Service Mail Rates; Order To Show Cause

FEBRUARY 27, 1968.

Issued under delegated authority.

By notices of intent filed on February 6, 1968, pursuant to 14 CFR Part 298, the Postmaster General petitioned the Board to establish for Ross Aviation, Inc., an air taxi operator, final service mail rates of (1) 24.86 cents per great circle mile for the transportation of mail by aircraft between Poteau, McAlester, and Oklahoma City, Okla.; (2) 21.34 cents per great circle mile between Liberal, Kans., and Oklahoma City, Okla.; (3) 30.19 cents per great circle mile between Altus, Lawton, and Oklahoma City, Okla.; (4) 21.98 cents per great circle mile between Woodward, Clinton, and Oklahoma City, Okla.; and (5) 28.89 cents per great circle mile between Ponca City, Enid, and Oklahoma City, Okla.

The Postmaster General states that there are no scheduled services of certificated route carriers in markets (1) and (4) above, and the scheduled services of the certificated route carriers in markets (2), (3), and (5) do not meet postal re-

quirements. Ross proposes to use all-weather twin engine aircraft in providing the mail service. No protest or objection has been filed against the services proposed in the notices of intent, and the time for filing such objections has now expired.

The Postmaster General also states that the proposed rates are acceptable to the Department and the carrier, and represent fair and reasonable rates of compensation for the services which the carrier will perform. The Postmaster General believes these services will meet postal needs in these markets.

Since no mail rate is presently in effect for this carrier in these markets it is in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Ross by the Postmaster General for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notices of intent and other matters officially noticed, it is proposed to issue an order to include the following findings and conclusions:

1. That the fair and reasonable final service mail rates to be paid to Ross Aviation, Inc., pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as described in the notices of intent, shall be (1) 24.86 cents per great circle mile for the transportation of mail by aircraft between Poteau, McAlester, and Oklahoma City, Okla.; (2) 21.34 cents per great circle mile between Liberal, Kans., and Oklahoma City, Okla.; (3) 30.19 cents per great circle mile between Altus, Lawton, and Oklahoma City, Okla.; (4) 21.98 cents per great circle mile between Woodward, Clinton, and Oklahoma City, Okla.; and (5) 28.89 cents per great circle mile between Ponca City, Enid, and Oklahoma City, Okla.

2. The final service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Parts 302 and 298, and 14 CFR 385.14(f):

It is ordered, That:

1. All interested persons and particularly Ross Aviation, Inc., the Postmaster General, Continental Air Lines, Inc., and Frontier Airlines, Inc., are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above, as

*As this order to show cause does not constitute a final action and merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). The provisions of that part dealing with petitions for Board review will be applicable to any final action which may be taken up by the staff in this matter under authority delegated in § 385.14(g).

the fair and reasonable rates of compensation to be paid to Ross, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Ross Aviation, Inc., the Postmaster General, Continental Air Lines, Inc., and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-2692; Filed, Mar. 4, 1968;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17210, etc.; FCC 68R-62]

GREAT RIVER BROADCASTING, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Great River Broadcasting, Inc., St. Louis, Mo., Docket No. 17210, File No. BP-16749, et al., 17211, 17212, 17213, 17214, 17215, 17217, 17219; for construction permits.

1. This proceeding involves eight mutually exclusive applications for construction permits to operate standard broadcast stations in St. Louis, Mo., on 1380 kHz. Presently before the Review Board are a petition to intervene and a petition to enlarge issues, both filed on December 18, 1967, by Kansas Broadcasting, Inc., licensee of Station KUDL, Fairway, Kans., requesting intervention and the addition of an issue to determine whether the applicants proposing

¹ Corrections of typographical errors in the proposed rates in dockets 19565 and 19566 were filed February 15 and February 9, respectively.

to use the facilities of the Radio Thirteen-Eighty, Inc. (RTEI), interim operation would cause objectionable interference to Station KUDL above that caused by the former KWK operation.¹

2. In support of its motion to enlarge, KUDL points out that the Commission, in authorizing the interim operation of the facilities formerly operated by Station KWK (Pike-Mo Broadcasting Company, 2 FCC 2d 207, 6 RR 581 (1965)), stated that "existing stations would be subject to no more interference from the RTEI interim proposal for St. Louis than they now receive from existing KWK".² Petitioner notes that any new or additional interference to existing stations would be a modification of license of such stations, and that RTEI, in its application, represented that its proposed radiation has not been increased in any direction over that which KWK was authorized in its construction permit. KUDL contends that although RTEI initially submitted a proof-of-performance in June of 1966, this proof was "discredited"; that KUDL's engineer has now had an opportunity to examine the subsequently submitted October 12, 1967, proof-of-performance and finds that substantial new interference is being caused to KUDL by the interim operation; and that the increased interference causes a significant loss of nighttime service, affecting 37 square miles and 146,741 persons. KUDL states that its examination of the October proof indicates that an inverse distance field of approximately 320mv/m is being radiated in the direction of KUDL on the 270° radial from the RTEI operation, increasing the nighttime limit to KUDL from 6.647 mv/m to 8.239 mv/m. KUDL argues that, since five of the seven applicants propose to take over the interim

operation³ of any of these proposals would cause additional interference to KUDL; and that there is ample basis for consideration of its motion to enlarge issues at this time because of the additional interference to KUDL was not discovered until the latest RTEI proof-of-performance measurement data were analyzed.

3. Archway Broadcasting Corp., Home State Broadcasting Corp., Prudential Broadcasting Co., Six-Eighty-Eight Broadcasting Co., and St. Louis Broadcasting Co., oppose the motion to enlarge issues, contending that KUDL's motion is untimely because it could have been filed when the first "interim KWK" proof-of-performance was filed in June 1966, wherein it was indicated that the inverse distance field along the 270° radial was 265 mv/m [the October 1967 "interim KWK" proof depicts said field as 260 mv/m];⁴ and that, even if small scale graph paper were used, the October proof data, properly interpreted, fails to justify the excessive radiation conclusion of the KUDL engineer. The Broadcast Bureau supports the motion to enlarge and the petition to intervene.

4. The Review Board finds that petitioner has adequately shown good cause for the late filing of the motion to enlarge. The contention that KUDL could have discovered the problem raised herein by analyzing the June 1966, proof measurements is not sufficiently documented to be accepted. The October 1967, proof-of-performance measurements, upon which KUDL relies, were made after completion of a power transmission line located adjacent to the KWK interim antenna array. Therefore, we cannot assume that an analysis of the earlier proof-of-performance would have shown increased interference. As to the merits of KUDL's motion, we have previously held in this proceeding that, where a substantial question of new or increased interference has been raised, the addition of hearing issues is warranted. See Great River Broadcasting, Inc., FCC 67R-505, 10 FCC 2d 920, 11 RR 2d 922 (1967). Here, the basis for the differences of opinion appears to arise from differences in analysis of measurement data. These conflicting showings raise a substantial question of fact which can best be resolved through the hearing process. Finally, since we have determined that KUDL has shown good cause for the late filing of its motion to enlarge, and since the requested intervention is based on the motion, we also find good cause for the late filing of the petition to intervene, and intervention will be allowed. Cf. Great River Broadcasting, Inc., supra.

³ Great River Broadcasting, Inc., and Missouri Broadcasting, Inc., contend that, since they are proposing to operate from the RTEI site with 1 kilowatt power at night, they would not cause additional interference to Station KUDL, and the issue, if added, should not be directed to their proposals.

⁴ A reevaluation of this figure as 270 mv/m in the opposition of Archway et al., does not affect the result herein.

5. Accordingly, it is ordered, That the petition to intervene filed December 18, 1967, by Kansas Broadcasting, Inc., licensee of Station KUDL, Fairway, Kans., is granted, and that Kansas Broadcasting, Inc., is made a party to this proceeding; and

6. It is further ordered, That the motion to enlarge issues, filed December 18, 1967, by Kansas Broadcasting, Inc., is granted, and that the issues in this proceeding are enlarged by the addition of the following issue: To determine whether Prudential Broadcasting Co., Six-Eighty-Eight Broadcasting Co., St. Louis Broadcasting Co., Home State Broadcasting Corp., and Archway Broadcasting Corp. will be able to adjust their respective directional antenna systems as proposed in their applications.

7. It is further ordered, That the burden of proceeding and burden of proof under the issue herein will be on Prudential Broadcasting Co., Six-Eighty-Eight Broadcasting Co., St. Louis Broadcasting Co., Home State Broadcasting Corp., and Archway Broadcasting Corp.

Adopted: February 16, 1968.

Released: February 28, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,⁵

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-2693; Filed, Mar. 4, 1968;
8:47 a.m.]

[Docket No. 17243, etc.; FCC 68M-310]

KITTYHAWK BROADCASTING CORP.
ET AL.

Order Rescheduling Hearing

In re applications of Kittyhawk Broadcasting Corp., Kettering, Ohio, Docket No. 17243, File No. BP-16603, et al., 17244, 17245, 17246, 17247, 17249, 17250; for construction permits.

A prehearing conference having been conducted on February 26, 1968:

It is ordered, That this hearing shall be governed by the dates and procedures set forth on the record of the said conference, and that hearing shall commence on April 22, 1968, at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: February 26, 1968.

Released: February 27, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-2694; Filed, Mar. 4, 1968;
8:47 a.m.]

[Docket No. 17474; FCC 68M-315]

MEL-LIN, INC. (WOBS)

Order Continuing Hearing

In re application of Mel-Lin, Inc. (WOBS), Jacksonville, Fla., Docket No.

⁵ Review Board Member Nelson not participating.

¹ Also before the review Board are (a) comments of Missouri Broadcasting, Inc., in response to motion to enlarge issues, filed Jan. 17, 1968; (b) statement as to motion to enlarge, filed Jan. 17, 1968, by Great River Broadcasting, Inc.; (c) opposition of Archway Broadcasting Corp., Home State Broadcasting Corp., Prudential Broadcasting Co., Six-Eighty-Eight Broadcasting Co., and St. Louis Broadcasting Co., filed Jan. 19, 1968; (d) comments of Broadcast Bureau, filed Jan. 19, 1968; (e) Hearing Examiner's order, FCC 68M-145, released Jan. 26, 1968; (f) petition to intervene, filed Dec. 18, 1967, by Kansas Broadcasting, Inc.; (g) opposition to petition to intervene, filed Jan. 19, 1968, by Archway Broadcasting Corp., Home State Broadcasting Corp., Prudential Broadcasting Co., Six-Eighty-Eight Broadcasting Co., and St. Louis Broadcasting Co.; (h) comment of Broadcast Bureau on petition to intervene, filed Jan. 19, 1968; and (i) reply to oppositions to petition to intervene and motion to enlarge issues, filed Jan. 31, 1968, by Kansas Broadcasting, Inc. The petition to intervene was initially filed with the Hearing Examiner. However, since the intervention is premised on the motion to enlarge issues, the Hearing Examiner certified the KUDL petition to intervene to the Review Board by order, released Jan. 26, 1968 (FCC 68M-145).

² See also Salter Broadcasting Co. (WBEL), 9 RR 2d 577, 583 (1967).

17474, File No. BP-14323; for construction permit.

Upon the Hearing Examiner's own motion: *It is ordered*, That the hearing herein now scheduled for April 15, 1968, be and the same is hereby rescheduled for April 22, 1968, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: February 26, 1968.

Released: February 27, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-2695; Filed, Mar. 4, 1968;
8:47 a.m.]

[Docket Nos. 17609, 17610; FCC 68-184]

**MINSHALL BROADCASTING CO., INC.,
AND UNIVERSITY CITY TELEVISION
CABLE CO., INC.**

**Memorandum Opinion and Order
Enlarging Issues**

In re applications of Minshall Broadcasting Co., Inc., Gainesville, Fla., Docket No. 17609, File No. BPCT-3879; University City Television Cable Co., Inc., Gainesville, Fla., Docket No. 17610, File No. BPCT-3939; for construction permit.

1. Mutually exclusive applications for a new television broadcast station to operate on Channel 20 at Gainesville, Fla., have been filed by Minshall Broadcasting Co., Inc. (Minshall), and by University City Television Cable Co., Inc. (University City). This matter was designated for hearing on the standard comparative issue and on a limited financial issue against University City pertaining to the ability of three of its principals to meet their loan commitments. Additionally, any grant of University City's application was made subject to the outcome of the Inquiry into Developing Patterns of Ownership in the CATV Industry, Docket No. 17371, 7 FCC 2d 853 (1967).

2. Now before us for consideration is an application, filed December 8, 1967,¹ by Minshall for review of the Review Board's action refusing to add a Suburban issue against University City. In its memorandum opinion and order, 10 FCC 2d 647 (1967), the Board found that University City had an adequate basis on which to formulate its program proposal and that University City's proposal is sufficiently flexible to provide for specific programming suggestions in the future. Citing Saul M. Miller, 4 FCC 2d 150 (1966), the Board concluded that, in view of these facts, a reasonable basis existed for concluding that University City's programming proposal meets the needs of the area to be served.

¹ Oppositions were filed by University City on Dec. 15, 1967, and by the Chief, Broadcast Bureau, on Dec. 20, 1967, and a reply was filed by Minshall on Dec. 28, 1967.

3. In its application for review,² Minshall asserts that the Board's action is arbitrary and in conflict with our policy. Minshall argues that University City has not made a conscientious and realistic effort to ascertain local programming needs, tastes, and interests, and that its programming proposal is thus inadequate, since University City's principals are not local residents and since its proposal was based on a patently inadequate survey of community residents. In this connection, Minshall points out that only four persons were listed in the original application as having been contacted and surveyed and that University City did not indicate what suggestions, if any, those persons offered with respect to specific programs. Although University City submitted more specific information regarding its efforts to ascertain community needs, tastes, and interests in response to a letter from the Commission requesting such information, Minshall contends that this postapplication showing should be disregarded since University City failed to demonstrate how that additional information would be utilized and implemented in its original program proposal. Both University City and the Broadcast Bureau oppose Minshall's petition, urging that the Board's action was correct.

4. We agree with Minshall that this matter involves a significant policy question and that the public interest would be served by setting forth our views in some detail at this time. While the Board relied on Saul M. Miller, supra, in refusing to add a Suburban issue, it must be noted that the applications in the Miller case were filed prior to the revision of section IV of our broadcast application forms. In the report and order, 5 FCC 2d 175 (1966), adopting the revised television application form, we noted that some applicants had not provided full answers to the questions on the former application form pertaining to ascertainment of community needs. In order to permit us to determine whether applicants are aware of and responsive to those needs, we cautioned them that complete and responsive answers concerning local needs should be supplied in the applications to be filed thereafter. Thus, applicants were directed to provide full information on the steps that they have taken to become informed of the real needs and interests of the area to be served, on the suggestions they have received as to how the proposed station could help meet the area's needs, on the applicants' evaluations of those suggestions, and on the programming that the

² Minshall, subsequent to the filing of its petition, requested leave to file that pleading although it is in excess of the 10-page limitation for such interlocutory petitions. In view of the facts that objections have not been raised by any other party and that, as argued by Minshall, the pleading, if it had been prepared on legal size paper, would have complied with our regulation, Minshall's request will be granted and its petition will be accepted.

applicants propose to meet those needs as they have been evaluated.

5. Examination of University City's proposal in light of the requirements set forth above demonstrates that it has not provided sufficient information for us to determine whether it is aware of and responsive to the needs of the Gainesville area. University City merely listed the names of four persons who had been contacted and the titles of certain proposed programs, rather than supplying, as we had suggested, summaries of the steps it had taken to become informed of local needs, of the suggestions that it had received, of its evaluation of those suggestions, and of the programs that it proposes to meet those needs. Although we notified University City of these deficiencies, its response was limited to a nebulous summary of suggestions offered by only 10 local residents. In light of the specific showing which we contemplated in adopting the new television application form, we are now persuaded that we should have included a Suburban issue when this proceeding was designated for hearing. For the reasons stated above, we are convinced that the public interest will be best served by adding a Suburban issue to this proceeding so that University City will have a full opportunity to demonstrate its efforts to ascertain the programming needs and interests of the Gainesville area and the manner in which it proposes to meet those needs and interests.

6. Accordingly, it is ordered:

(a) That the petition to file interlocutory pleading in excess of prescribed page limitation, filed by Minshall Broadcasting Co., Inc., on December 14, 1967, is granted.

(b) That the petition for review, filed by Minshall Broadcasting Co., Inc., on December 8, 1967, is granted; and

(c) That the issues designated for hearing in this proceeding are enlarged by the inclusion of the following issue: To determine the efforts made by University City Television Cable Co., Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

Adopted: February 21, 1968.

Released: February 28, 1968.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-2696; Filed, Mar. 4, 1968;
8:47 a.m.]

[Docket No. 17510, etc.; FCC 68R-67]

**POTOMAC VALLEY TELECASTING
CORP. ET AL.**

**Memorandum Opinion and Order
Enlarging Issues**

In re Potomac Valley Telecasting Corp., Irons Mountain, Md., Docket No. 17510, File No. 5908-C1-ML-65, for modi-

* Chairman Hyde dissenting.

fication of license of Station KGO 30 to provide for carriage of FM signals; Potomac Valley Telecasting Corp., Mount Cacapon, W. Va., Docket No. 17511, File No. 5909-C1-ML-65, for modification of license of Station KQX 32 to provide for carriage of FM signals; Potomac Valley Telecasting Corp., Mount Cacapon, W. Va., Docket No. 17512, File No. 1066-C1-R-66, for renewal of license of Station KQX 32; Potomac Valley Telecasting Corp., Irons Mountain, Md., Docket No. 17513, File No. 2633-C1-R-66, for renewal of license of Station KGO 30; and Potomac Valley TV Co., Inc., Cumberland and La Vale, Md.; Ridgeley, Wiley Ford, and Fort Ashby, W. Va., Docket No. 17514; Upper Potomac Television Co., Inc., Piedmont, W. Va.; Westernport, Md., Docket No. 17515; Frostburg Cable Television, Inc., Frostburg, Md., Docket No. 17516; Keyser Television Co., Inc., Keyser, W. Va., Docket No. 17531; Jackson Television Co., Inc., Lonaconing and Midland, Md., Docket No. 17532; request for waiver of § 21.712 of the Commission's rules; and notifications given pursuant to § 74.1105 of the Commission's rules.

1. This proceeding, designated for hearing by memorandum opinion and order, FCC 67-691, released August 22, 1967, involves applications for renewal and modification of licenses of microwave stations KQX 32 and KGO 30, by Potomac Valley Telecasting Corp.; and requests for waiver of §§ 21.712 and 74.1105 of the Commission's rules, filed on behalf of the five captioned cable systems which receive television signals from Potomac Valley's microwave relay stations. Presently before the Review Board are (a) an appeal from presiding Examiner's order and (b) a motion for enlargement of issues,¹ filed December 1, 1967, by Potomac Valley and the cable operators (petitioners) which alternatively request that the Review Board reverse the Examiner's ruling that the designated issues do not encompass a waiver question, or that the Board enlarge the issues to permit such a consideration.

2. A clear understanding of the problems presented by the instant petitions will be facilitated by a brief review of the events which led to their filing. The fundamental question to be resolved in this proceeding is whether the CATV systems will be required, pursuant to the rules indicated above, to provide carriage and program exclusivity for four television stations² whose predicted

Grade B contours encompass the communities to be served by the cable systems. In their predesignation waiver petitions, petitioners offered, among other things, engineering evidence allegedly demonstrating that the four television stations claiming rights under Rule 21.712, did not place a signal of Grade B intensity or better within the communities served by the CATV systems.³ Citing footnote 40 of the second report and order,⁴ petitioners argued that carriage should not be required. The Commission, in the designation order, held that although the other presentations were inconclusive, the field strength measurements raised a substantial question of fact; accordingly, the Commission specified the following issues for hearing:

(1) To determine whether Stations WJAC-TV, WTAE-TV, WSWA-TV, or WFBG-TV place measured Grade B contours within the meaning of § 21.712 of the rules over the CATV communities of Cumberland, La Vale, Westernport, Frostburg, Lonaconing, and Midland, Md.; and Ridgeley, Wiley Ford, Fort Ashby, Piedmont, and Keyser, W. Va.

(2) Contingent on a finding of measured Grade B contours from all or any of the stations specified in Issue 1 above, to determine whether Potomac Valley TV Co., Inc., Upper Potomac Television Co., Inc., Frostburg Cable Television, Inc., Keyser Television Co., Inc., and/or Jackson Television Co., Inc., have complied with the notification requirements of § 74.1105 of the Commission's rules with respect to carriage of WDCA-TV's signal.

(3) In light of the evidence adduced pursuant to the foregoing issues, to determine upon what conditions the above-captioned renewal applications and applications for modifications of licenses should be granted.

At a prehearing conference held on September 22, 1967, counsel for petitioners requested the Examiner to clarify the designated issues in a manner which would permit the adduction of evidence concerning a waiver of the applicable CATV rules. The Examiner ruled that

³ The submitted data purported to show that: (a) The measured Grade B contours would "fall short" of the predicted contours due to the shadowing effect of the mountainous terrain; (b) the predicted contours would not encompass the affected communities when calculated under the propagation curves proposed in Notice of Proposed Rule Making in Docket No. 16004 (re §§ 73.333 and 73.699 of the rules), FCC 65-383, released May 10, 1965; (c) line-of-sight signals are impossible to receive; and (d) 95 field intensity readings revealed only two measurements which achieved Grade B signal strength.

⁴ 2 FCC 2d 725, 6 RR 2d 1717. Footnote 40 reads:

As in the case of our present policy with respect to microwave systems, carriage will not be required where a sufficient showing is made that a predicted signal is not in fact present in the community, or that a good signal is not obtainable because of technical deficiencies on the part of the station.

such a clarification was premature and that the question would be resolved in the initial decision. On October 23, 1967, petitioners filed a petition for reconsideration and clarification of issues, again contending that the designated issues contemplated a waiver consideration. In a memorandum opinion and order, FCC 67M-1946, released November 20, 1967, the Examiner stated that "[w]here the Commission wants waiver considered it says so * * *" and thus concluded that a waiver issue had not been designated. The Examiner noted that a grant of petitioner's request would be tantamount to an enlargement of issues, and would accordingly exceed his authority. Petitioners presently appeal from the Examiner's ruling noted above; should the appeal be denied, petitioners request the addition of the following issue: Contingent on a finding of measured Grade B contours from all or any of the stations specified in Issue 1 above, to determine whether the requirements of the carriage and nonduplication provisions of §§ 21.712 and 74.1103 of the Commission's rules should be waived as to Potomac Valley TV Co., Inc., Upper Potomac Television Co., Inc., Frostburg Cable Television, Inc., Keyser Television Co., Inc., and/or Jackson Television Co., Inc., with respect to all or any of the stations specified in Issue 1 above.

3. In essence, both the appeal and the motion to enlarge are based on the same substantive legal premise; to wit: (1) The basis for designating the issues in this proceeding was petitioners' presentation under footnote 40 of the second report and order; (2) while footnote 40 does not, by its terms, discuss the waiver question, the Commission has indicated that an acceptable showing of actual signal intensity will entitle a petitioner to a full hearing on a waiver issue; and (3) accordingly, the designated issues must either inherently include a waiver consideration, or the question of waiver is so inextricably involved in the issues that the addition of such an inquiry is required. In paragraph 7 of the instant designation order the Commission stated, " * * * we believe that the field strength measurements [referring to the 95 field intensity readings offered by petitioners to show lack of signal reception—see note 3, supra] * * * raise a substantial and material question of fact. We stated in the second report and order [footnote 40], " * * * carriage will not be required where a sufficient showing is made that a predicted signal is not in fact present in the community * * *." Thus, petitioners argue that its showing constituted the basis for requiring a hearing and that Commission statements in Bluefield Television Cable, University City Television Cable Company, and Mesa Microwave, Inc., indicate that such a presentation constitutes the basis for considering the desirability of a waiver grant. Petitioners note that

¹ The other pleadings before the Review Board are: (a) Comments, filed Dec. 28, 1967, by the Broadcast Bureau; (b) opposition to appeal from Examiner's ruling, filed Dec. 28, 1967, by WJAC, Inc.; (c) opposition to motion for enlargement, filed Dec. 28, 1967, by WJAC, Inc.; (d) opposition, filed Dec. 28, 1967, by the Hearst Corp., licensee of Station WTAE-TV; (e) opposition, filed Dec. 28, 1967, by Triangle Publications, Inc. (Radio and Television Division), licensee of Station WFBG-TV; and (f) reply to oppositions, filed Jan. 9, 1968, by Petitioners.

² WTAE-TV, Pittsburgh, Pa.; WJAC-TV, Johnstown, Pa.; WFBG-TV, Altoona, Pa.; WSWA-TV, Harrisonburg, Va.

⁵ 10 FCC 2d 731, 11 RR 2d 857.

⁶ FCC 67-845, 8 FCC 2d 1140.

⁷ 8 FCC 2d 888, 10 RR 2d 622.

in University City, supra, the Commission stated that "[f]ootnote 40 of the second report and order allows a CATV operator to make a showing regarding actual television service as a ground for waiver of our CATV rules." In light of the foregoing petitioners conclude that any case designated under footnote 40, " * * * is a case which inherently must consider a question of waiver, regardless of the manner in which the issues are worded".

4. The Hearst Corp., licensee of Station WTAE-TV (WTAE), opposing the petition, argues that two questions were before the Commission when it designated the hearing issues: (1) Whether, based on the actual contours of the television stations, the CATV carriage rules apply and (2) if the rules apply, whether a showing has been made sufficient to justify the consideration of a waiver. Conceding that one possible ground for waiver is a showing that a community located within the measured Grade B contour of a station does not actually receive a signal, WTAE contends that petitioners' pleadings do not differentiate between the extent of the measured Grade B contour as affecting the applicability of the rule, and whether a particular community actually receives a signal. Moreover, WTAE argues, the Commission rejected any possibility for a waiver inquiry when it stated in the designation order that, " * * * except for the question of whether the communities are within measured Grade B contours, there is no reason to grant the requested relief." Thus, having specifically refused to consider the waiver requests, WTAE concludes, the Commission left only the "rule applicability" question for hearing. Furthermore, it is argued in the opposition, petitioners' appeal and motion to enlarge issues are merely devices used to circumvent Rule 1.111 which provides that reconsideration of a designation order will not be entertained by the Commission. In essence, the oppositions filed by Triangle Publications, Inc., licensee of Station WFBG-TV and WJAC, Inc., licensee of Station WJAC-TV, concur in the argument outlined above. In addition, the WJAC, Inc. opposition challenges the method with which petitioners compiled their engineering data; and, citing *United States v. Storer Broadcasting Company*, 351 U.S. at 205, 76 S. Ct. at 771-772 (1956), notes that the Commission's failure to designate a waiver issue for hearing is not a denial of due process since petitioners had failed to make the threshold showing which would justify such a hearing inquiry. Finally, it is argued that the issues designated in this proceeding are clear in their purpose, and therefore, confusion as to their scope is an inadequate basis for an untimely circumvention of Commission procedure.

5. In reply, petitioners point out that the original petition before the Commission was not for a hearing on the applicability of the carriage and nonduplication rule, but rather for a waiver of the rule; and contend that "[m]erely because the Commission has determined

that evidence which would support a waiver of the rules also raises a prior threshold question of the applicability of the rules, certainly does not indicate an adverse ruling on the question of waiver". The Broadcast Bureau supports the Examiner's ruling, but urges the addition of an issue regarding the question of waiver based on a lack of actual television service in the affected communities.

6. As indicated above, this proceeding was designated for hearing on August 22, 1967, more than a month before the order to show cause in Bluefield Television Cable, FCC 67-1016, 11 RR 2d 175, and three months prior to the Bluefield clarification, supra. Accordingly, inasmuch as Bluefield represents the Commission's most extensive and definitive analysis of the waiver question to date, resolution of the instant petitions must be governed by these recent guidelines. As noted in Bluefield, two distinct legal questions are presented: (1) Whether, based on the actual contours of the stations claiming protection, the CATV carriage rule is applicable, and (2) whether, if applicable, sufficient grounds for its waiver have been presented. The Commission noted that the distinction between these questions "is more than a matter of semantics." If under the "rule applicability" inquiry it should be determined that the measured contours do not encompass the affected communities, the carriage rule is inapplicable and the entire inquiry is terminated. If this determination cannot be made, however, the rules apply, and it is only at this point that a "waiver inquiry" may be undertaken. Such an inquiry is appropriate if a showing is made that a satisfactory signal is not received in a community. The issues designated in Bluefield authorized both an "applicability" and "waiver" presentation at the hearing. In the instant case, the issue designated calls for a determination of whether the television stations "place measured Grade B contours" over the affected communities, and it is the Board's view that, on its face, this issue authorizes only a "rule applicability" inquiry at the hearing. The appeal from the presiding officer's ruling will therefore be denied.

7. The designation order herein gave some consideration to the general questions raised by petitioners in support of their request for enlargement; however, the Commission did not, in a reasoned analysis, deal with the subject matter of the specific requests now before the Board. Accordingly, under the holding in *Atlantic Broadcasting Co. (WUST)*, FCC 66-1053, 8 RR 2d 991, the Review Board will consider the merits of the

* However, the specific language used to designate the issues in that proceeding is not determinative in the instant case since the relevant Bluefield issue was written in general terms and incorporated by reference the entire order: "It is further ordered, that Bluefield Cable Corp. is directed to appear and to give evidence with respect to the matters described above at hearing * * *"

instant request to enlarge." In the designation order the Commission found that a substantial and material question of fact had been raised by petitioners' signal intensity showing. The position taken in the oppositions is that the petitioners have not distinguished between the type of showing warranting an "applicability" issue, i.e., a question of the location of the measured Grade B contour, and the type of showing warranting a "waiver" issue, i.e., a question of whether a signal is actually received. However, in the Board's view, a showing of field strength measurements which raises a substantial question of fact as to the location of the measured Grade B contour also raises a substantial question as to whether a signal is actually received. Thus, following the principles enunciated in the Bluefield case, supra, the Board finds petitioners' showing sufficient to permit the addition of a contingent waiver issue.*

8. Accordingly, it is ordered, That the appeal from presiding Examiner's order denying petition for reconsideration and clarification of issues, filed December 1, 1967, by Potomac Valley Telecasting Corp. et al., and Potomac Valley TV Co., Inc., et al., is denied; and

9. It is further ordered, That the motion for enlargement of issues, filed December 1, 1967, by Potomac Valley Telecasting Corp. et al., and Potomac Valley TV Co., Inc., et al., is granted and that the issues in this proceeding are enlarged by the addition of the following issues: Contingent on a finding of measured Grade B contours from all or any of the stations specified in Issue 1 above, to determine whether the requirements of the carriage and nonduplication provisions of §§ 21.712 and 74.1103 of the Commission's rules should be waived as to Potomac Valley TV Co., Inc., Upper Potomac Television Co., Inc., Frostburg Cable Television, Inc., Keyser Television Co., Inc., and/or Jackson Television Co., Inc., with respect to all or any of the stations specified in Issue 1 above.

Adopted: February 21, 1968.

Released: February 28, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-2697; Filed, Mar. 4, 1968;
8:47 a.m.]

* Since petitioners were under a misapprehension that the question of waiver was encompassed within the existing issues, and since they sought clarification at the pre-hearing conference, the Board is of the opinion that good cause for the late filing of the motion to enlarge exists. See *American Homes Stations, Inc.*, 6 FCC 2d 729, 9 RR 2d 431.

It should be noted that the Board's action merely permits petitioners to present its full case at hearing in support of a waiver. Since a public interest determination is controlling in a § 74.1109 hearing, the inability of even a majority of the affected residents to receive the television signals is not necessarily controlling. *Pearson T.V. Antenna Systems*, FCC 68-80, released Jan. 31, 1968.

[Docket No. 17722; FCC 68M-313]

FARNELL O'QUINN**Order Scheduling Hearing Conference**

In re application of Farnell O'Quinn, Statesboro, Ga., Docket No. 17722, File No. BP-17351; for construction permit.

Upon the Hearing Examiner's own motion: *It is ordered*, That there will be a hearing conference in this proceeding on March 18, 1968, 9 a.m., in the Commission's offices, Washington, D.C.

Issued: February 26, 1968.

Released: February 27, 1968.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL]

BEN F. WAPLE,

Secretary.

[F.R. Doc. 68-2698; Filed, Mar. 4, 1968; 8:48 a.m.]

[Docket Nos. 18014, 18015]

RADIO VIDALIA AND VIDALIA BROADCASTING CO.**Order Designating Applications for Consolidated Hearing on Stated Issues**

In re applications of Howard C. Gilreath trading as Radio Vidalia, Vidalia, Ga., Docket No. 18014, File No. BPH-5998, Requests: 97.7 mc, No. 249; 3 kw; 139 feet; R. E. Ledford and John E. Ladson, Jr., & The Citizens & Southern National Bank, executors of the estate of Margaret Brice Ladson, deceased, doing business as Vidalia Broadcasting Co., Vidalia, Ga., Docket No. 18015, File No. BPH-6056, Requests: 97.7 mc, No. 249; 3 kw(H), 3 kw(V); 289 feet; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above-captioned and described applications for construction permits.

2. These applications are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

3. The areas and populations to be served are markedly different in size and that for the purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM services of 1 mv/m or greater intensity in such areas will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must

be designated for hearing in a consolidated proceeding on the issues set forth below.

5. *It is ordered*, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the proposals would better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications for construction permit should be granted.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: February 14, 1968.

Released: February 28, 1968.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL]

BEN F. WAPLE,

Secretary.

[F.R. Doc. 68-2699; Filed, Mar. 4, 1968; 8:48 a.m.]

[Docket No. 17635; FCC 68M-312]

T. J. SHRINER**Order Scheduling Hearing Conference**

In re application of T. J. Shriner, Bellaire, Tex., Docket No. 17635, File No. BP-12137; for construction permit.

Upon the Hearing Examiner's own motion: *It is ordered*, That there will be a hearing conference in this proceeding on March 18, 1968, 2 p.m., in the Commission's offices, Washington, D.C.

Issued: February 26, 1968.

Released: February 27, 1968.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL]

BEN F. WAPLE,

Secretary.

[F.R. Doc. 68-2700; Filed, Mar. 4, 1968; 8:48 a.m.]

[Docket No. 17478; FCC 68M-311]

U.S. DEPARTMENT OF DEFENSE AND NORTHWESTERN BELL TELEPHONE CO.**Order Scheduling Hearing**

U.S. Department of Defense, Washington, D.C., complainant, v. Northwestern Bell Telephone Co., Omaha, Nebr., defendant; docket no. 17478:

It is ordered, That Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on May 7, 1968, at 10 a.m.; and that a pre-hearing conference shall be held on April 9, 1968, commencing at 10 a.m.: *And, it is further ordered*, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: February 26, 1968.

Released: February 27, 1968.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL]

BEN F. WAPLE,

Secretary.

[F.R. Doc. 67-2701; Filed, Mar. 4, 1968; 8:48 a.m.]

[Docket Nos. 16290, 16291; FCC 68M-314]

WMGS, INC. (WMGS), AND OHIO RADIO, INC.**Order Continuing Hearing**

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097; for renewal of license; Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16423; for construction permits.

Because of a conflict in the hearing schedule: *It is ordered*, That the hearing now scheduled for April 8, 1968, be and the same is rescheduled for May 6, 1968, 10 a.m., in the Commission's offices, Washington, D.C.

Issued: February 26, 1968.

Released: February 27, 1968.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL]

BEN F. WAPLE,

Secretary.

[F.R. Doc. 68-2702; Filed, Mar. 4, 1968; 8:48 a.m.]

FEDERAL MARITIME COMMISSION CONTINENTAL/FRENCH ATLANTIC WESTBOUND JOINT CONFERENCE**Notice of Agreement Filed for Approval**

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mrs. M. Lambert, Secretary, Continental/French Atlantic Westbound Joint Conference, 85, Rue de la Republique D-4, 92-Meudon (Hauts-de-Seine), France.

Agreement No. 7920-3, between the members of the Continental North Atlantic Westbound Freight Conference and the members of the French North Atlantic Westbound Freight Conference, parties to the Continental/French North Atlantic Westbound Joint Conference, amends the basic Agreement (1) to delete the provisions that cargo of Belgian or Dutch origin tendered at French ports, and cargo of French origin tendered at Belgian or Dutch ports, will be assessed the higher rates published by either of the member Conferences, and (2) to substitute in lieu thereof provisions which will permit the member Conferences to establish ocean rates, charges, classifications, and tariff provisions on specific commodities agreed upon by correspondence or at joint meetings, subject to the right of independent action by either Conference, and to require that all rates, charges, classifications, and related tariff matters so agreed upon shall be shown in the tariffs of the individual Conferences.

Dated: February 29, 1968.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 68-2703; Filed, Mar. 4, 1968;
8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-9314 etc.]

AMERADA PETROLEUM CORP.
ET AL.

Findings and Order After Statutory
Hearing; Correction

FEBRUARY 21, 1968.

Amerada Petroleum Corp., and other applicants listed herein, Docket Nos. G-9314 etc.; Amerada Petroleum Corp., Docket No. G-9314.

In findings and order after statutory hearing issuing certificates of public con-

venience and necessity, canceling docket numbers, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, making successors co-respondents, redesignating proceedings, requiring filing of agreement and undertaking, requiring filing of surety bond, and accepting related rate schedules and supplements for filing, issued January 23, 1968, and published in the FEDERAL REGISTER February 1, 1968, Docket Nos. G-9314 (F.R. Doc. 68-1131), 33 F.R. 2464, paragraph (M): Change Docket No. "RI65-344" to read Docket No. "RI65-334" relating to Docket No. G-9314, page 2466, footnote 3: Change Docket No. "RI65-344" to read Docket No. "RI65-334" relating to Docket No. G-9314.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-2672; Filed, Mar. 4, 1968;
8:46 a.m.]

[Docket No. CP63-228]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

FEBRUARY 28, 1968.

Take notice that on February 19, 1968, Transcontinental Gas Pipe Line Corp. (Petitioner), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP63-228 a petition to amend the order issued in said docket on July 3, 1963, by requesting authorization to construct and operate an above-ground liquefied natural gas (LNG) storage tank in substitution for the below-ground storage tank authorized in said order, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued on July 3, 1963, Petitioner was authorized to construct and operate a complete LNG facility including liquefaction and vaporization equipment and a cryogenic in-ground storage facility (CIGS unit). Petitioner states that both the liquefaction and vaporization equipment have been and are performing satisfactorily, but that the CIGS unit has proved unsatisfactory for storage of the full quantity of LNG for which it was designed.

Specifically, Petitioner seeks authorization to construct and operate at its LNG facility in the Hackensack Meadows of New Jersey, an above-ground storage tank of equal capacity to the CIGS unit (approximately 290,000 barrels of LNG which is equivalent to 1,000,000 Mcf of natural gas). The proposed above-ground tank will have an outside diameter of 153 feet and an overall height of 142 feet.

The total estimated cost of the proposed tank is \$4 million, to be financed initially from company funds or temporary bank loans.

Petitioner states that service to be rendered by means of the LNG facility including the proposed tank will be under Rate Schedule LG-A contained in its presently effective tariff, and that no

new rates or changes in rates are proposed herein.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 27, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-2673; Filed, Mar. 4, 1968;
8:46 a.m.]

[Docket No. G-13828 etc.]

WESTERN OIL FIELDS, INC., ET AL. Findings and Order After Statutory Hearing; Correction

FEBRUARY 21, 1968.

Western Oil Fields, Inc. (Operator), et al. and other Applicants listed herein, Docket Nos. G-13828, etc.; Harper Oil Co. (Operator), et al., Docket No. CI65-701.

In findings and order after statutory hearing issuing certificate of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, adding respondents, substituting respondents, redesignating proceedings, and accepting related rate schedules and supplements for filing, issued November 16, 1965, and published in the FEDERAL REGISTER November 24, 1965 (F.R. Doc. 65-12586), 30 F.R. 14616, Docket Nos. G-13828 et al., column 7: Change filing date to read "1-15-65" in lieu of "1-15-64" relating to Docket No. CI65-701.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-2674; Filed, Mar. 4, 1968;
8:46 a.m.]

[Docket No. CS66-127 etc.]

SOUTHWESTERN NATURAL GAS, INC., ET AL.

Order Terminating Certificate of Public Convenience and Necessity

FEBRUARY 28, 1968.

Order terminating certificate of public convenience and necessity, redesignating FPC gas rate schedule, granting relief, making successor in interest co-respondent, redesignating proceeding, and accepting agreement and undertaking for filing.

Southwestern Natural Gas, Inc., Docket No. CS66-127; Walter E. Heller & Co., Docket No. CI60-277; J. Wes Johnson doing business as Tower Oil & Gas Company of Texas, Jeanne Kerbs, W. A. Morel (Operator) et al., Walter E. Heller & Co., The Investors Petroleum Corp. et al., and Southwestern Natural Gas, Inc., Docket No. RI60-276.

On November 15, 1967, Southwestern Natural Gas, Inc. (Applicant), filed an application (undocketed) for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural

Gas Act authorizing Applicant to continue the sale of natural gas to El Paso Natural Gas Co. from the Spraberry Trend Area, Reagan County, Tex., heretofore authorized in Docket No. CI60-277 to be made pursuant to Walter E. Heller & Co. FPC Gas Rate Schedule No. 1. Southwestern's application was not docketed because it specifically requested therein that its small producer certificate, issued on August 11, 1966, in Docket No. CS66-127, be deemed as containing requisite authorization for the continuation of the instant succession sale.

By assignment dated April 16, 1965, and effective May 10, 1965, Applicant acquired from Walter E. Heller & Co. (Heller) the producing properties from which Heller was authorized to sell gas pursuant to its FPC Gas Rate Schedule No. 1 at a rate of 17.2295 cents per Mcf at 14.65 p.s.i.a.¹ Said rate is in effect subject to refund in Docket No. RI60-276, which proceeding is consolidated in the initial proceeding in Docket No. AR61-1 et al. Applicant has filed a motion to be made co-respondent in the proceeding pending in Docket No. RI60-276, together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Inasmuch as Applicant is presently authorized to sell natural gas from the Permian Basin area pursuant to a small producer certificate issued in Docket No. CS66-127, no further authorization to sell gas from the acquired properties is necessary. Accordingly, the instant undocketed application will be dismissed and the related documents will be retained for informational purposes in the Commission's public files. The certificate issued to Heller in Docket No. CI60-277 will be terminated.

Applicant proposes to collect the 17.2295-cent rate in effect subject to refund at the time of the transfer of the producing properties. Therefore, Heller's rate schedule will be redesignated as that of Applicant; Applicant will be made a co-respondent in the proceeding pending in Docket No. RI60-276; and the agreement and undertaking submitted by Applicant in Docket No. RI60-276 will be accepted for filing. Applicant will be permitted to collect the 17.2295-cent rate; however, said rate will be subject to rejection in the event that Opinion Nos. 468 and 468-A are upheld ultimately upon judicial review. See Rodman & Late, et al., 37 FPC 281.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate of public convenience and necessity issued

¹ The incremental volumes from the Heller properties will not cause Applicant to exceed the volumetric limitation for a "small producer."

in Docket No. CI60-277 should be terminated.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Heller's rate schedule should be redesignated as that of Applicant, that Applicant should be made a co-respondent in the proceeding pending in Docket No. RI60-276, that said proceeding should be redesignated, and that the agreement and undertaking submitted by Applicant should be accepted for filing.

The Commission orders:

(A) Southwestern's undocketed application for a certificate of public convenience and necessity is dismissed.

(B) The certificate of public convenience and necessity issued in Docket No. CI60-277 is terminated.

(C) Walter E. Heller & Co. FPC Gas Rate Schedule No. 1 and Supplement Nos. 1 through 4 thereto are redesignated as Southwestern Natural Gas, Inc., FPC Gas Rate Schedule No. 4 and Supplement Nos. 1 through 4 thereto. The notice of succession dated November 6, 1967, and the assignment dated April 16, 1965, are accepted for filing as of May 10, 1965. The assignment is designated as Supplement No. 5 to Southwestern Natural Gas, Inc., FPC Gas Rate Schedule No. 4.

(D) Southwestern Natural Gas, Inc., is made a co-respondent in the proceeding pending in Docket No. RI60-276, the proceeding is redesignated accordingly, and the agreement and undertaking submitted by Southwestern in said proceeding is accepted for filing.

(E) Southwestern Natural Gas, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreement and undertaking filed by Southwestern in Docket No. RI60-276 shall remain in full force and effect until discharged by the Commission.

(F) Pending final judicial review of Opinion Nos. 468 and 468-A, Southwestern Natural Gas, Inc., may continue to collect rates in excess of the applicable Permian Basin area base rate; however, such rates shall be subject to rejection as of the date of this order in the event that the Commission's determination in Opinion Nos. 468 and 468-A of the applicable area ceiling rate is upheld ultimately upon judicial review. The collection of rates in excess of the area base rate is subject to the refund provisions of ordering paragraph (D) of Opinion No. 468 as well as any refund provisions in the proceeding pending in Docket No. RI60-276.

By the Commission.

[SEAL]

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-2675; Filed, Mar. 4, 1968;
8:46 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRO- DUCED OR MANUFACTURED IN GREECE

Entry and Withdrawal From
Warehouse for Consumption

FEBRUARY 28, 1968.

On July 15, 1967, the U.S. Government prohibited further entry of cotton textiles in Categories 1, 2, 3, and 4, produced or manufactured in Greece and exported to the United States from Greece during the period beginning September 1, 1966, and extending through August 31, 1967, because shipments in these categories to the United States from Greece for that period exceeded the level specified in the bilateral cotton textile agreement of July 17, 1964, as amended. Discussions with the Government of Greece have been held on this matter and a mutually acceptable solution has been arrived at between the Governments of the United States and Greece.

Accordingly, there is published below a letter of February 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, terminating, as soon as possible, the directive of July 10, 1967, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs.

STANLEY NEHMER,
Chairman, Interagency Textile
Administrative Committee,
and Deputy Assistant Secretary
for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

WASHINGTON, D.C. 20230,
February 27, 1968.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: On July 10, 1967, the Chairman of the President's Cabinet Textile Advisory Committee directed you, effective July 15, 1967, and until further notice, to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 1, 2, 3, and 4, produced or manufactured in Greece and exported to the United States from Greece after August 31, 1966, and before September 1, 1967.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the cotton textile agreement of July 17, 1964, as amended, between the Governments of the United States and Greece, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, the directive of July 10, 1967, concerning cotton textiles in Categories 1, 2, 3, and 4, produced

or manufactured in Greece and exported to the United States from Greece after August 31, 1966, and before September 1, 1967, is hereby terminated, to be effective as soon as possible.

The actions taken with respect to the Government of Greece and with respect to imports of cotton textiles and cotton textile products from Greece have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Secretary of Commerce, Chairman,
President's Cabinet Textile Ad-
visory Committee.

[F.R. Doc. 68-2660; Filed, Mar. 4, 1968;
8:45 a.m.]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRO- DUCED OR MANUFACTURED IN TRINIDAD AND TOBAGO

Entry and Withdrawal From Warehouse for Consumption

FEBRUARY 28, 1968.

On December 29, 1967, the U.S. Government requested the Government of Trinidad and Tobago to enter into consultations concerning exports to the United States of cotton textile products in Category 61 produced or manufactured in Trinidad and Tobago. In that request, the U.S. Government indicated a specific level at which it considered that exports in this category from Trinidad and Tobago should be restrained for the 12-month period, beginning December 29, 1967, and extending through December 28, 1968. Since no solution has been mutually agreed upon, the U.S. Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 3, paragraph 3 and Article 6(c) which relates to nonparticipants, is establishing a restraint at the level indicated in that request. This restraint does not apply to cotton textile products in Category 61 produced or manufactured in Trinidad and Tobago and exported to the United States prior to the beginning of the applicable 12-month period designated above.

There is published below a letter of February 27, 1968, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amount of cotton textile products in Category 61, produced or manufactured in Trinidad and Tobago which may be entered or withdrawn from warehouse for consumption in the United States for the 12-

month period beginning December 29, 1967, be limited to the designated level.

STANLEY NEHMER,
Chairman, Interagency Textile
Administrative Committee,
and Deputy Assistant Secre-
tary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

WASHINGTON, D.C. 20230,
February 27, 1968.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible after February 27, 1968, and for the 12-month period beginning December 29, 1967, and extending through December 28, 1968, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textile products in Category 61, produced or manufactured in Trinidad and Tobago, in excess of a level of restraint for the period of 42,550 dozen.¹

In carrying out this directive, entries of cotton textile products in Category 61 produced or manufactured in Trinidad and Tobago and which have been exported to the United States from Trinidad and Tobago prior to December 29, 1967, shall not be subject to this directive.

A detailed description of Category 61 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 FR. 582).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Trinidad and Tobago and with respect to imports of cotton textiles and cotton textile products from Trinidad and Tobago have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. II, 1965-66). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

A. B. TROWBRIDGE,
Secretary of Commerce, Chairman,
President's Cabinet Textile Ad-
visory Committee.

[F.R. Doc. 68-2661; Filed, Mar. 4, 1968;
8:45 a.m.]

¹ This level has not been adjusted to reflect any entries made on or after Dec. 29, 1967.

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-14886]

ALSCOPE CONSOLIDATED, LTD.

Order Suspending Trading

FEBRUARY 28, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Alscope Consolidated, Ltd., Passaic, N.J., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 29, 1968, through March 9, 1968, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-2665; Filed, Mar. 4, 1968;
8:45 a.m.]

[70-4592]

EASTERN UTILITIES ASSOCIATES

Notice of Proposed Stock Split and Related Transactions

FEBRUARY 28, 1968.

Notice is hereby given that Eastern Utilities Associates ("EUA"), 225 Franklin Street, Boston, Mass. 02110, a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

EUA proposes to amend its declaration of trust so as to increase and reclassify the amount of authorized common shares from 2 million shares, par value \$10 per share, to 4 million shares, par value \$5 per share; and, in connection therewith, to issue and distribute to its common shareholders one additional share of \$5 par value common for each share of \$10 par value common presently held. All presently outstanding common shares of \$10 par value will thereafter, without notation or exchange, represent the same number of common shares of \$5 par value. Such proposed two-for-one split will require the issue of 1,285,359 shares, increasing EUA's outstanding common shares to 2,570,718, with a par value of \$5 per share.

The proposed amendment will require the favorable votes of the holders of two-thirds of EUA's presently issued and outstanding common shares, and EUA proposes to solicit proxies with respect thereto at the annual meeting of common shareholders scheduled to be held on April 22, 1968. The solicitation material and the form of proxy in connection therewith have been submitted to the Commission for appropriate authorization.

It is stated that the proposed stock split, through consequent reduction in the market price per share, will attract wider ownership and thus broaden the market for EUA's common shares; and that such improved and expanded market should be in the best interests of the company and its stockholders.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 18, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-2666; Filed, Mar. 4, 1968;
8:45 a.m.]

[811-979]

MID-STATES BUSINESS CAPITAL CORP.

Notice of Filing of Application

FEBRUARY 28, 1968.

Notice is hereby given that Mid-States Business Capital Corp. ("Applicant"),

317 North 11th Street, St. Louis, Mo. 63101, a Missouri corporation registered as a nondiversified, closed-end investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company.

Applicant was granted a license on September 20, 1960 to operate as a small business investment company under the Small Business Investment Act of 1958 and has since that time operated such business.

On June 16, 1964 shareholders of Applicant approved a plan of liquidation of Applicant pursuant to the statutes and laws of the State of Missouri. Thereafter certain portfolio investments of Applicant were sold to Boston Capital Corp., a licensed small business investment company, and certain convertible debentures and a subordinated note with a warrant attached were converted into common stock of the issuers which was then distributed to shareholders of Applicant. Litigation instituted by Applicant on June 10, 1965 in the Circuit Court of the City of St. Louis, Mo., against Med-Science Electronics, Inc., for collection of debentures owned by Applicant was settled pursuant to an agreement dated June 23, 1967 providing for payment of \$80,000 in settlement of Applicant's claim.

On or about June 22, 1967 Applicant surrendered its license to act as a small business investment company to the Small Business Administration and it has filed articles of dissolution with the Secretary of the State of Missouri. Applicant represents that all debts, obligations, and liabilities have been paid and discharged or provisions therefor has been made; all remaining property has been distributed to its shareholders in accordance with their respective rights and interests; and there are no suits pending against Applicant in any court.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than March 20, 1968, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney

at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Director, Office of Investment Assistant, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-2667; Filed, Mar. 4, 1968;
8:45 a.m.]

[70-4591]

VERMONT YANKEE NUCLEAR POWER CORP. ET AL.

Notice of Proposed Issue, Sale and Acquisition of Common Stock of Public-Utility Company

FEBRUARY 28, 1968.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. ("Vermont Yankee"), 77 Grove Street, Rutland, Vt. 05701, an electric utility company and an indirect subsidiary company of both Northeast Utilities ("Northeast") and New England Electric System ("NEES"), registered holding companies; New England Power Co. ("NEPCO"), an electric utility subsidiary company of NEES; Western Massachusetts Electric Co. ("WMECO"), The Connecticut Light and Power Co. ("CL&P"), and the Hartford Electric Light Co. ("Hartford"), three public-utility subsidiary companies of Northeast; and Montaup Electric Co. ("Montaup"), an electric-utility subsidiary company of Eastern Utilities Associates, a registered holding company, have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the joint application, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear electric generating plant with a net expected capacity of approximately 540 megawatts. Upon commencement of commercial operation, scheduled for 1971, all of the net energy output of the plant will be purchased by Vermont Yankees' 10 stockholder companies ("sponsor companies"). The total capital

cost of the plan, originally estimated at \$100 to \$110 million, is now estimated at \$135 million.

Pursuant to authorization heretofore granted by the Commission (Holding Company Act Release No. 15958, Feb. 6, 1968) Vermont Yankee issued and sold to the sponsor companies 100,000 shares of its \$100 par value common stock for an aggregate consideration of \$10 million. In the present filing Vermont Yankee proposes, consequent to increasing its authorized common stock to 200,000, to issue and sell an additional 100,000 shares to sponsor companies at \$100 per share or for an aggregate consideration of \$10 million. Such additional shares, which will be issued and sold from time to time in early 1968, will be acquired by the sponsor companies in proportion to the present interest of each in Vermont Yankee, as shown below:

Sponsor company	Percentage of stock ownership	Number of shares to be acquired
Central Vermont Public Service Corp.	35.0	35,000
Green Mountain Power Corp.	20.0	20,000
New England Power Co.	20.0	20,000
The Connecticut Light & Power Co.	6.0	6,000
Central Maine Power Co.	4.0	4,000
Public Service Co. of New Hampshire	4.0	4,000
The Hartford Electric Light Co.	3.5	3,500
Cambridge Electric Light Co.	2.5	2,500
Montauk Electric Co.	2.5	2,500
Western Massachusetts Electric Co.	2.5	2,500
Total	100.0	100,000

The proposed acquisitions of Vermont Yankee's common stock by NEPCO, CL&P, Hartford, WMECO, and Montauk require approval by the Commission; the acquisitions by the other sponsor companies do not require such approval. Vermont Yankee will use the proceeds from the proposed issuance and sale of its common stock for construction of the plant. The filing states that the balance of Vermont Yankee's capital requirements will be obtained through bank loans, the sale of senior securities and the sale of additional common stock to the sponsor companies, all of such further financing to be the subject of future filings with the Commission.

The expenses of Vermont Yankee in connection with the proposed issue and sale of common stock are estimated to aggregate \$28,000, including legal fees of \$22,500; the expenses of the applicant sponsor companies in connection with their proposed acquisitions of common stock are estimated to aggregate \$12,700. The Vermont Public Service Board has authorized the proposed issue of common stock by Vermont Yankee, and the Massachusetts Department of Public Utilities has authorized the acquisition of Vermont Yankee common stock by the Massachusetts sponsor companies. It is stated that no other State commission and no Federal commission, other than

this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 18, 1968, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-2668; Filed, Mar. 4, 1968;
8:45 a.m.]

[File No. 2-24176]

ZIMOCO PETROLEUM CORP.

Order Suspending Trading

FEBRUARY 28, 1968.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zimoco Petroleum Corp., New York, N.Y., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 29, 1968, through March 9, 1968, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-2669; Filed, Mar. 4, 1968;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

ALABAMA CAPITAL, INC.

Approval of Application for Transfer of Control of Company

On February 13, 1968, a notice of application for transfer of control was published in the FEDERAL REGISTER (33 F.R. 326, 2910) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR, Part 107, 33 F.R. 326) for transfer of control of Alabama Capital, Inc., 409 Leeman Ferry Road SW., Huntsville, Ala. 35801, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 05/05-0094.

Interested persons were given until the close of business February 24, 1968, to submit to SBA their written comments. No comments were received.

SBA, having considered the application and all other pertinent information and facts with regard thereto, hereby approves the application for transfer of control of Alabama Capital, Inc.

Issued in Washington, D.C., on February 29, 1968.

GLENN R. BROWN,
Associate Administrator
for Investment.

[F.R. Doc. 68-2663; Filed, Mar. 4, 1968;
8:46 a.m.]

[Declaration of Disaster Loan Area 652]

MICHIGAN

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1968, because of the effects of certain disasters, damage resulted to residences and business property located in the town of Hartford, Mich.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid town, suffered damage or destruction resulting from fire occurring on February 22, 1968.

OFFICE

Small Business Administration Regional Office, 1249 Washington Boulevard, Detroit, Mich. 48226.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to August 31, 1968.

Dated: February 27, 1968.

ROBERT C. MOOT,
Administrator.

[F.R. Doc. 68-2684; Filed, Mar. 4, 1968;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 29, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41248—Scrap iron or steel to Burgettstown, Pa. Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2906), for and on behalf of Pennsylvania New York Central Transportation Co. Rates on scrap iron or steel having value for remelting purposes only, in carloads, from Cincinnati, Ohio, to Burgettstown, Pa.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 106 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC 4807.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-2704; Filed, Mar. 4, 1968;
8:48 a.m.]

[Notice 559]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 29, 1968.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized rep-

resentative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11185 (Sub-No. 124 TA), filed February 23, 1968. Applicant: J-T TRANSPORT COMPANY, INC., 3936 Ewing Avenue, Kansas City, Mo. 64129. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a contract carrier, by motor vehicle, over regular routes, transporting: (1) Aircraft and aircraft parts requiring special handling because of fragility and (2) aircraft parts not requiring special handling when transported with aircraft parts requiring special handling, from the plantsite of Beech Aircraft Corp., Boulder, Colo., to the plantsite of Beech Aircraft Corp., Wichita, Kans. (2) Aircraft parts, crated when transported with aircraft parts uncrated, from the plantsite of Beech Aircraft Corp., Wichita, Kans., to the plantsite of Beech Aircraft Corp., Boulder, Colo. NOTE: Applicant in MC 11185 (Sub-No. 37) has contract carrier authority to transport "airplane parts and equipment (uncrated)" from Wichita, Kans., to all points in the United States. The transportation performed can be limited to contracts with Beech Aircraft Corp. The applicant presently has a contract with Beech Aircraft Corp. Authority requested for 180 days. Supporting shipper: Beech Aircraft Corp., Wichita, Kans. 67201. Send protests to: H. J. Simmons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 51146 (Sub-No. 79 TA), filed February 26, 1968. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54303. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen vegetables, from Green Bay, Wis., to points in Ohio, for 180 days. Supporting Shipper: The Larsen Co., 520 North Broadway, Green Bay, Wis. 54303 (James W. Jackson, Distribution Manager). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 807, 135 West Wells Street, Milwaukee, Wis. 53202.

No. MC 61396 (Sub-No. 200 TA), filed February 26, 1968. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Post Office Box 189 (Downtown Station) 68101, Omaha, Nebr. 68110. Authority sought to operate as a common carrier,

by motor vehicle, over irregular routes, transporting: Liquid nitrogen fertilizer solution, in bulk, from Omaha, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota, for 180 days. Supporting shipper: Gulf Oil Corp., Chemicals Department, Dwight Building, Kansas City, Mo. 64105. Send protests to: Deith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 89684 (Sub-No. 65 TA), filed February 23, 1968. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West Street, 84110, Post Office Box 366. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, moving in express service, over U.S. Highway 30N and 89, between Kemmerer, Wyo., and Alpine, Wyo., serving all intermediate points for 180 days. NOTE: Applicant states it does intend to tack the authority here applied for to other authority held by it, or to interline with other carriers as follows: Authority in MC 89684 Sub 55 TA to be interlined with certificated carriers at Kemmerer, Wyo., to serve points on Highways 30N and 89 in Wyoming. Supporting shipper: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 107496 (Sub-No. 625 TA) (Correction), filed February 5, 1968, published FEDERAL REGISTER, issue of February 13, 1968, and republished as corrected this issue. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Post Office Box 855, 50304, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lacquer and paint thinner, in bulk, in tank vehicles, from Kansas City, Kans., to Ackerman, Miss., for 150 days. NOTE: The purpose of this republication is to show the correct docket number assigned, as shown above, in lieu of MC 107496 (Sub-No. 615 TA), shown in previous publication, in error. Supporting shipper: The M. L. Campbell Co., Subsidiary of Pratt & Lambert, Inc., 2909 Chrysler Road, Kansas City, Kans. 66115. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations 677 Federal Building, Des Moines, Iowa 50309.

No. MC 110479 (Sub-No. 22 TA) (Correction), filed January 16, 1968, published FEDERAL REGISTER issue of January 26, 1968, and republished as corrected, this issue. Applicant: HARPER TRUCK SERVICE, INC., 1230 North Eighth Street, Paducah, Ky. 42001. Applicant's representative: Robert M.

Pearce, 1033 State Street, Cental Building, Bowling Green, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between the junction of U.S. Highway 62 and the west bank of Kentucky Lake at Kentucky Dam near Gilbertsville, Ky., and Louisville, Ky., serving no intermediate points, but serving Princeton and Caneyville, Ky. for purposes of interchange only; from the junction of U.S. Highway 62 with the west bank of Kentucky Lake at Kentucky Dam over U.S. Highway 62 to its junction with U.S. Highway 31W at Elizabethtown; thence over U.S. Highway 31W to Louisville and return over the same route; also from the junction of U.S. Highway 62 with the west bank of Kentucky Lake at Kentucky Dam over U.S. Highway 62 to its junction with the Western Kentucky Parkway interchange near Princeton, Ky.; thence over the Western Kentucky Parkway to its junction with Interstate Highway 65 near Elizabethtown, Ky.; thence over Interstate Highway 65 to Louisville and return over the same route. Note: This application is directly related to Harper Truck Service, Inc.—Purchase (portion)—Arnold Ligon Truck Line, Ind., MC-F 10007. Applicant intends to tack the authority here applied for to related subs under MC 110497 and authority being temporarily leased from Arnold Ligon Truck Line, Inc. Supporting shippers: There are approximately 41 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. The purpose of this republication is to include the tacking information which was erroneously omitted from previous publication. Send protests to: William W. Garland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 390 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 111729 (Sub-No. 257 TA) (Correction), filed February 9, 1968, published in the *FEDERAL REGISTER* issue of February 21, 1968, and republished as corrected this issue. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, DeBevoise Building, Bayside, N.Y. 11361. Applicant's representative: J. Kevin Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Business papers, records, and audit and accounting media of all kinds*, (a) between Paducah, Ky., on the one hand, and, on the other, points in Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Randolph, Saline, Union, White, and Williamson Counties, Ill. points in Bollinger, Butler, Cape Girardeau, Mississippi, New Madrid, Perry, Scott, Stoddard, and Wayne Counties, Mo., and

points in Benton, Carroll, Dyer, Gibson, Henry, Lake, Obion, and Weakley Counties, Tenn.; (b) between Cleveland, Ohio, on the one hand, and, on the other, points in Amherst, Appomattox, Bedford, Campbell, Henry, Pittsylvania, and Roanoke Counties, Va., and points in Forsyth County, N.C.; (c) between Sandusky, Ohio, on the one hand, and, on the other, Bloomfield, Mich. 2. *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising literature moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), between points in Fairfield County, Conn., on the one hand, and, on the other, points in Worcester County, Mass. 3. *Drugs, narcotics, pharmaceuticals, and drug products*, between Cleveland, Ohio, on the one hand, and, on the other, points in Amherst, Appomattox, Bedford, Campbell, Henry, Pittsylvania, and Roanoke Counties, Va., and points in Forsyth County, N.C. 4. *Vinyl coated fabric samples*, restricted against the transportation of packages or articles weighing in the aggregate more than 90 pounds from one consignor to one consignee on any one day, between Sandusky, Ohio, on the one hand, and, on the other, Bloomfield, Mich., for 150 days. Supporting shippers: Computer Services, Inc., 500 Clark Street, Paducah, Ky. 42001; Chemtrak Corp., 16 Dyke Lane, Stamford, Conn. 06904; Revoco D.S., Inc., 3030 Quigley Road, Cleveland, Ohio 44113; and Airco Chemicals and Plastics, 3130 West Monroe Street, Sandusky, Ohio 44870. Note: The purpose of this republication is to clarify part 1(a) of the previous publication by spelling out the county of "Mississippi", Mo., which was erroneously abbreviated "Miss".

No. MC 114123 (Sub-No. 32 TA) (Amendment), filed February 6, 1968, published *FEDERAL REGISTER*, issue of February 15, 1968, and republished as amended this issue. Applicant: HERMAN R. EWELL, INC., East Earl, Pa. 17519. Applicant's representative: Lewis S. Kunkel, Jr., 123 South Broad Street, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, corn syrup, and mixtures of corn syrup and liquid or invert sugar*, in bulk, in tank vehicles, from Yonkers, N.Y., to Ayden, Henderson, and Mount Olive, N.C., for 180 days. Note: The purpose of this republication is to add Ayden, N.C., as an additional destination. Supporting shipper: Refined Syrups & Sugars, Inc., Yonkers, N.Y. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa. 17101.

No. MC 123416 (Sub-No. 1 TA), filed February 26, 1968. Applicant: ORVILLE R. COOPER AND RODGER COOPER, a partnership, doing business as O. R. COOPER & SON, 806 North Harvey, Urbana, Ill. 61801. Applicant's represen-

tative: John C. Hirschfield, 110 West Church Street, Champaign, Ill. 61820. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer, and advertising matter* used in connection therewith, from Minneapolis and St. Paul, Minn., and Milwaukee, Wis., to Champaign, Ill., for 180 days. Note: Applicant intends to tack the authority sought herein with its existing authority under MC 123416. Supporting shipper: Van Pickerill-Champaign, Inc., Champaign, Ill. 61820. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 124221 (Sub-No. 14 TA) (Correction), filed February 14, 1968, published *FEDERAL REGISTER* issue of February 22, 1968, corrected and republished as corrected, this issue. Applicant: HOWARD BAER, 821 East Dunne Street, Post Office Box 127, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 408 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Puddings*, from the plant-site and facilities of Sealtest Foods, Division of National Dairy Products Corp., Milwaukee, Wis., to Burlington, Cedar Rapids, Davenport, Des Moines, Ottumwa, and Sioux City, Iowa; Chicago, Moline, Peoria, Quincy, Rockford, Rock Island, and Springfield, Ill.; Kansas City, Pittsburg, Topeka, and Wichita, Kans.; Lincoln, and Omaha, Nebr.; Cape Girardeau, Columbia, Hannibal, Hoplin, Kansas City, Springfield, and St. Louis, Mo.; Little Rock, Ark.; Evansville, Fort Wayne, Gary, Hammond, Indianapolis, and South Bend, Ind.; Cincinnati, and Dayton, Ohio; Lexington, and Louisville, Ky.; Jackson, Memphis, and Nashville, Tenn.; Columbus, Jackson, and Laurel, Miss.; service to be performed under a continuing contract or contracts with the Sealtest Foods Division, of National Dairy Products Corp., for 180 days. Supporting shipper: Sealtest Foods Division, National Dairy Products Corp., 455 East Grand Boulevard, Chicago, Ill. 60611. Note: The purpose of this republication is to show commodity, which was inadvertently omitted from previous publication. Send protests to: District Supervisor Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, U.S. Courthouse and Federal Office Building, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 125544 (Sub-No. 2 TA), filed February 23, 1968. Applicant: LESTER M. HAYS, 803 West Mulberry, Carlinville, Ill. 62626. Applicant's representative: Robert T. Lawley, 306-308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty milk cartons*, from Sikeston, Mo., to Carlinville and Pana, Ill., also, from Versailles, Ky., to Carbondale, Ill., for the account of Prairie Farms Dairy, Inc., for 180 days. Supporting shipper: Prairie Farms

Dairy, Inc., Post Office Box 72, Carlinville, Ill. 62626. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 Adams Street, Springfield, Ill. 62704.

No. MC 127833 (Sub-No. 4 TA), filed February 23, 1968. Applicant: T. L. MYDLAND TRUCK LINES, INC., 928 Bridge City Avenue, Westwego, La. 70094. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, from Gretna, La., to Andalussia, Ala., Defuniak Springs, Fla., Niceville, and Panama City, Fla., for 180 days. Supporting shipper: The Louisiana Coca-Cola Bottling Co., Ltd., 1050 South Jefferson Davis Parkway, Post Office Drawer 50400, New Orleans, La. Send

protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, La. 70113.

MOTOR CARRIER OF PASSENGERS

No. MC 121518 (Sub-No. 2 TA), filed February 23, 1968. Applicant: TUALATIN VALLEY BUSES, INC., 10706 Southwest Capitol Highway, Portland, Ore. 97219. Applicant's representative: Robert R. Hollis, Commonwealth Building, Portland, Ore. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express*, between Portland and Forest Grove, Ore., serving all intermediate points on Oregon Highway 8 and

between Portland and McMinnville, Ore., serving all points on U.S. Highway 99W and Oregon Highway 18, for 180 days. NOTE: Applicant intends to interline with Greyhound Lines, Inc., at Portland, Ore. Supporting shipper: Applicant, presently operates under certificate of registration, proposes to secure a certificate. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Ore. 97204.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-2705; Filed, Mar. 4, 1968; 8:48 a.m.]

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